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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 23 MAY 2001

OFFICE OF THE LIEUTENANT-GOVERNOR

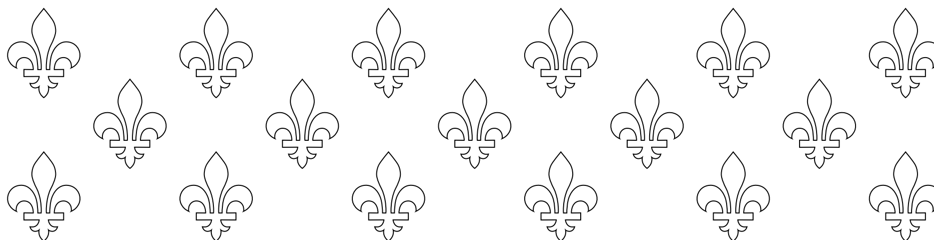
Québec, 23 May 2001

This day, at forty-five minutes past three o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills :

136 An Act to amend the Forest Act and other legislative provisions

138 An Act to amend the Taxation Act and other legislative provisions (*modified title*)

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 136

(2001, chapter 6)

An Act to amend the Forest Act and other legislative provisions

Introduced 30 May 2000
Passage in principle 21 November 2000
Passage 22 May 2001
Assented to 23 May 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

The object of this bill is to establish new rules governing sustainable forest management, to apply mainly in forests under state ownership.

Under the bill, the Minister of Natural Resources will, no later than September 2002, make public a division of Québec's territory into forest management units, which will constitute, from 1 April 2005, the basic forest management land units used in allocating supplies for wood processing plants. The boundaries of management units will be changed only in exceptional circumstances, and no management units will be established to the north of the limit determined by the Minister. For each forest management unit, the Minister will fix the annual allowable cut for each species or group of species, and the annual yield. The Minister may also assign other objectives for a management unit, including objectives for the protection or development of resources in the forest environment and objectives of increased yield, designed to increase the annual allowable cut in the long term.

The bill changes the rules governing timber supply and forest management agreements to take the new territorial divisions into account, and to link the harvesting rights granted to agreement holders to obligations designed to ensure that the yield and objectives for the management unit are attained. Where several agreements are granted for the same management unit, the agreement holders concerned will be required to submit joint plans, evaluations and reports. Each agreement holder will be bound to carry out only the work assigned to that holder in the annual management plan, but will be warrantor for all the work to be carried out under the plan as though bound as solidary surety. More specifically, the bill adds a new obligation to the contractual commitments of agreement holders that will require them to evaluate their activities using the methods determined by the Minister and to present the results of their evaluation in an annual report. The contributions paid into the forestry fund by agreement holders will be allocated to the financing of activities relating to forest management.

Under the bill, agreement holders will be required to invite various individuals and groups to take part in the drafting of the general forest management plan, including the regional county

municipalities whose territory contains any part of the management unit, the Native communities concerned, and managers of controlled zones and wildlife reserves, holders of outfitter's licences, and holders of sugar bush management permits on land included in the unit, and holders of leases of land intended for agricultural purposes within the unit. The general plan may, with regard to forest lands in which other forest users have expressed an interest, include a schedule and other conditions for the carrying out of forest management activities.

The bill maintains the five-year revision of the land and of timber volumes allocated under an agreement, but specifies that the revision will be conducted by management unit following the approval of the general plan. The bill adds new elements that will be taken into account by the Minister when revising a plan : the completion of all the forest management activities and their impact on the forest and the environment as well as any change or lack of improvement in the industrial performance achieved by the agreement holder in terms of use of timber resources. No increase in volume will be awarded if the Minister considers that the overall quality of the work carried out in the management unit is unsatisfactory. Where the annual allowable cut is to be reduced, the Minister is empowered to take into account the impact of the reduction on economic activity in order to apportion the reduction between agreement holders.

The bill introduces a new type of agreement, the forest management agreement, that will be granted to a legal person or body that does not hold a wood processing plant operating permit. The agreement holder will be subject to the same obligations as the holder of a timber supply and forest management agreement, with some changes. Several of the obligations will also apply to the holders of forest management contracts.

The bill includes a process for the classification of exceptional forest ecosystems, where all forest management and mining activities will be prohibited or subject to specific rules.

Under the bill, forest management permits may be issued to the holders of wood processing plant operating permits to enable them to harvest timber on a one-time basis where an allocated volume of timber has not been harvested or when timber must be salvaged following a natural disaster. The bill adds a new type of management permit for the harvest of shrubs and half-shrubs to supply a wood processing plant, and will allow certain holders of a permit for the cultivation and operation of a sugar bush to be issued an authorization to harvest a volume of timber to supply a wood

processing plant, if the work concerned is likely to improve maple syrup and forest production.

The bill amends the Act respecting the Ministère des Ressources naturelles to enable the delegation to a legal person, as part of a program, of the carrying out of certain provisions of the Forest Act concerning the management of forest resources.

Lastly, the bill revises the penal provisions, determines the rules of the provisional regime that will govern management agreements and contracts awarded before the new forest management approach based on forest management units is implemented, and defines rules for the introduction of the new approach.

LEGISLATION AMENDED BY THIS BILL:

– Cities and Towns Act (R.S.Q., chapter C-19) ;

– Municipal Code of Québec (R.S.Q., chapter C-27.1) ;

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) ;

– Act respecting municipal taxation (R.S.Q., chapter F-2.1) ;

– Forest Act (R.S.Q., chapter F-4.1) ;

– Mining Act (R.S.Q., chapter M-13.1) ;

– Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) ;

– Act to preserve agricultural land and agricultural activities (R.S.Q., chapter P-41.1) ;

– Environment Quality Act (R.S.Q., chapter Q-2) ;

– Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

– Act to amend the Forest Act (1997, chapter 33).

Bill 136

AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6.1 of the Forest Act (R.S.Q., chapter F-4.1) is amended by striking out "Subject to the first paragraph of section 73.3.3," in the first line.

2. Section 9 of the said Act is amended by replacing "common area" wherever it occurs in the third paragraph by "forest management unit".

3. Section 10 of the said Act is amended

(1) by replacing "or recreational" in paragraph 5 by ", recreational or agricultural";

(2) by replacing "a punctual management activity referred to in section 24.1" in paragraph 7 by "an experimental or research activity".

4. Section 11.2 of the said Act is amended by inserting "or forest management agreement" after "agreement" in the second line of the fourth paragraph.

5. Section 13 of the said Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(5) any other information or document required by the Minister.";

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

"Where the permit covers an area intended for forest production within a forest management unit covered by a timber supply and forest management agreement or a forest management agreement, the Minister must beforehand have consulted the agreement holder concerned."

6. The said Act is amended by inserting the following section after section 13:

"**13.1.** The Minister shall refuse to issue a permit to an applicant who, during the five years preceding the application, has held such a permit that has

been cancelled or the renewal of which has been refused, except on the ground provided for in section 17.2."

7. The said Act is amended by inserting the following sections after section 14 :

"**14.1.** The permit may, where the Minister considers it expedient and if, in the Minister's opinion, the activities concerned will improve acericultural and forest production, authorize the holder, during the time specified in the permit, to harvest in the sugar bush, elsewhere than within an area intended for forest production within a forest management unit, a volume of round timber of one or several species to supply wood processing plants in accordance with the management plan approved by the Minister, and to carry out the other forest management activities specified in the plan.

The plan submitted to the Minister for approval must accompany the application for authorization and must be approved by a forest engineer. The Minister may approve the plan with or without amendment.

The permit shall indicate, by species or group of species, the authorized volumes and specify, where the Minister considers it expedient, the wood processing plant or plants to be supplied.

The Minister may include in the authorization any condition considered advisable by the Minister.

"**14.2.** The holder of a permit authorizing the harvesting of timber to supply wood processing plants must evaluate, according to the method provided for in the Minister's instructions relating to the application of a ministerial order on the value of sylvicultural treatments eligible in payment of dues, the quality and quantity of the treatments carried out by the holder since the date of issue of the authorization or of the last annual report.

"**14.3.** The holder of a permit authorizing the harvesting of timber to supply wood processing plants must, in addition to paying the dues prescribed for the operation of the sugar bush, pay the dues prescribed in sections 71 and 72 for the timber harvested ; the dues are payable in cash or by way of sylvicultural treatments or other forest management activities carried out by the permit holder, according to the terms and conditions set out in sections 73.1 to 73.3. For that purpose, the permit holder is considered to be an agreement holder.

Every amount credited for the payment of dues that exceeds the dues payable for the timber harvested may be applied in payment of the dues prescribed for the operation of the sugar bush."

8. Section 16.1 of the said Act is amended by adding the following paragraphs at the end :

"Where the permit authorizes the harvesting of timber to supply wood processing plants, the report shall include

(1) a statement of the forest management activities carried out since the date of issue of the authorization or of the last annual report, as the case may be, and a map, drawn to the scale determined by the Minister, showing where the activities were carried out ;

(2) the result of the evaluation referred to in section 14.2 ;

(3) any other element related to the conditions of the permit required by the Minister.

The elements of the report listed in the second paragraph must be approved by a forest engineer."

9. The said Act is amended by inserting the following sections after section 16.1 :

"**16.1.1.** The report of activities of the holder of a permit authorizing the harvesting of timber to supply wood processing plants must be accompanied with a sworn statement identifying the wood processing plants for which the timber harvested during the period covered by the report was intended and setting out, in each case, the volume involved.

"**16.1.2.** The Minister or a person authorized by the Minister shall exercise with regard to the annual report and, where applicable, the evaluation referred to in section 14.2, the same powers and functions as those set out in sections 70.1 to 70.4 in the same conditions as those set out in section 70.4."

10. Section 16.2 of the said Act is amended

(1) by adding "and, where applicable, the sworn statement referred to in section 16.1.1" at the end of paragraph 2 ;

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

"However, the Minister may exclude from the territory of the sugar bush any area that has been classified as an exceptional forest ecosystem, where the Minister considers that the operation of the sugar bush is liable to have an adverse effect on the maintenance of biological diversity. In such a case, the Government shall, after giving the permit holder an opportunity to present observations, compensate the permit holder for the loss suffered, in the amount considered fair by the Government on the basis of the value of the property and infrastructures used to operate the sugar bush."

11. The said Act is amended by inserting the following sections after section 17.1 :

"**17.1.1.** The Minister may include in the permit any condition considered advisable by the Minister.

"**17.1.2.** The authorization to carry out forest management activities to supply wood processing plants is renewable only on the conditions set out in section 14.1 and if the permit holder meets the conditions set out in section 16.2. The Minister shall redetermine the authorized volumes upon renewal."

12. Section 17.3 of the said Act is amended

(1) by inserting ", or amend it to withdraw authorization to carry out forest management activities to supply wood processing plants," after "permit" in the first line of the first paragraph;

(2) by adding "or the sworn statement referred to in section 16.1.1" at the end of subparagraph 2 of the first paragraph.

13. The heading of subdivision 5 of Division II of Chapter II of Title I of the said Act is replaced by the following heading:

"§5. — *Wildlife, recreational or agricultural development project*".

14. Section 22 of the said Act is amended by replacing "wildlife or recreational" in the third line by "wildlife, recreational or agricultural".

15. Section 23 of the said Act is amended by inserting "or forest management agreement, or in a forest area covered by a forest management contract" after "agreement" in the third line of the second paragraph.

16. Section 24 of the said Act is replaced by the following sections:

"**24.** Subject to sections 14.1 and 24.0.1, the Minister shall not issue a forest management permit for the supply of a wood processing plant except to

(1) the holder of a timber supply and forest management agreement who is entitled thereto under Division I of Chapter III;

(2) the holder of a forest management agreement who is entitled thereto under Division I.1 of Chapter III;

(3) the holder of a wood processing plant operating permit in the cases provided for in section 92.0.3, 92.0.12 or 92.1;

(4) the holder of a wood processing plant operating permit for energy production or metallurgical purposes who is entitled thereto under sections 93 to 95;

(5) the holder of a forest management contract who is entitled thereto under Division II of Chapter IV.

"**24.0.1.** The Minister may issue to any person, if he considers it expedient, a forest management permit for the harvest of a specified volume of shrubs or half-shrubs, or of branches from shrubs or half-shrubs, to supply a wood processing plant.

The permit authorizes its holder to harvest, in a given area, a specified volume of shrubs, half-shrubs or branches from one or several species and, where applicable, to carry out the other forest management activities indicated in the permit.

Where the permit authorizes the harvest in a management unit covered by a timber supply and forest management agreement or forest management agreement, or in a forest area covered by a forest management contract, the Minister must beforehand have consulted the agreement or contract holder concerned.

The permit shall indicate the authorized volume for each species or group of species and specify the processing plant to be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

"**24.0.2.** The Minister may renew the permit issued pursuant to section 24.0.1, if he considers it expedient and on the conditions he determines, provided the permit holder has complied with the conditions applicable to his forest management activities during the term preceding the renewal. However, the Minister may, after consulting the agreement or contract holder referred to in the third paragraph of section 24.0.1 where applicable, revise the volume of timber authorized under or the territory covered by the permit."

17. The heading of subdivision 7 of Division II of Chapter II of Title I of the said Act is replaced by the following heading:

"§7. — *Experimental or research activity*".

18. Section 24.1 of the said Act is amended

(1) by striking out "and with the authorization of the Government" in the second and third lines of the first paragraph and by inserting "or a forest management agreement" after "agreement" in the fourth line of that paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The permit may be issued only for an experimental or research activity."

19. Section 24.2 of the said Act is amended by striking out the second paragraph.

20. The said Act is amended by inserting the following after section 24.3:

“DIVISION II.1

“SPECIAL PROVISIONS APPLICABLE TO EXCEPTIONAL FOREST ECOSYSTEMS

“**24.4.** Forest ecosystems presenting a special interest for the maintenance of biological diversity, in particular because of their scarcity or age, may be classified as exceptional forest ecosystems.

Such forest ecosystems shall be delimited by the Minister, with the agreement of the Minister of the Environment and the Minister responsible for Wildlife and Parks.

“**24.5.** Before making a classification, the Minister shall consult any municipality or urban community whose territory contains any part of the forest lands concerned.

The Minister must also consult any Native community concerned.

The Minister must, in addition, give holders of management permits issued for the cultivation and operation of a sugar bush, the holders of agreements issued under Chapter III or of forest management contracts, and the holders of mining rights referred to in section 8 of the Mining Act (chapter M-13.1), an opportunity to present observations concerning the forest lands concerned.

“**24.6.** The Minister shall forward a copy of the decision to classify forest lands to the persons and communities referred to in the first and second paragraphs of section 24.5, and shall cause a notice of classification to be published in the *Gazette officielle du Québec*.

The perimeter of the exceptional forest ecosystem must be delimited on the land use plan drawn up in accordance with section 21 of the Act respecting the lands in the public domain (chapter T-8.1).

“**24.7.** The Minister may, subject to the same conditions, extend the boundaries of an exceptional forest ecosystem or, where the Minister considers that the grounds for classification no longer exist, declassify part or all of the site.

“**24.8.** All forest management activities, except the activities specially authorized under a management permit, are prohibited in an exceptional forest ecosystem.

The Minister may, on the conditions determined by the Minister and after consulting the Minister of the Environment and the Minister responsible for Wildlife and Parks, authorize a forest management activity where the Minister considers it expedient and if, in the Minister’s opinion, the activity is not likely to have an adverse effect on the maintenance of biological diversity.

"**24.9.** Where the Minister considers that the exercise of a mining right referred to in section 8 of the Mining Act, within the boundaries of an exceptional forest ecosystem, may have an adverse effect on the maintenance of biological diversity, the Minister may order that all work cease and either enter into an agreement with the holder of the mining right providing for the abandonment of the right according to the procedure set out in the said Act, or expropriate the right in accordance with the Expropriation Act (chapter E-24)."

21. Section 25 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**25.** Every holder of a forest management permit must comply with the standards of forest management applicable to the holder's forest management activities, whether their application is prescribed by government regulation or imposed by the Minister pursuant to section 25.2."

22. Section 25.1 of the said Act is amended

(1) by replacing "standards of forest management prescribed under this Act" in the third line of the first paragraph by "annual forest management plan or the standards of forest management applicable to the permit holder's forest management activities";

(2) by replacing "or to" in the seventh line of the first paragraph by ", comply with the management plan, or submit to".

23. Sections 25.2 and 25.3 of the said Act are replaced by the following sections:

"**25.2.** When approving or finalizing a general forest management plan, a management plan or an amendment to a plan, the Minister may, for all or part of the management unit or territorial unit concerned, impose on the holders of forest management permits subject to the plan the application of standards of forest management that differ from those prescribed by government regulation, where the latter do not provide adequate protection for all the resources in that unit due to the characteristics of the forest in that unit and the nature of the project to be carried out.

The Minister may, similarly, impose the application of different standards of forest management, at the request of a Native community or on the Minister's own initiative following consultation with a Native community, to facilitate the conciliation of forest management activities with the activities pursued by the community for food, ritual or social purposes.

The Minister shall define, in the plan, the standards of forest management to be imposed and specify the places where they are applicable and any regulatory standards they replace.

Before imposing the application of standards, the Minister shall consult the other ministers concerned.

"**25.2.1.** The Minister may amend or revoke any decision made under section 25.2 and, for that purpose, amend the plan concerned where

(1) the grounds for applying different standards no longer exist;

(2) new data tend to indicate that the protection objectives targeted by the different standards cannot be met;

(3) the regulatory standards have been amended.

Before making a decision, the Minister shall consult the other ministers and, where applicable, the Native communities concerned. The Minister must also inform the holders of forest management permits subject to the plan of the impending decision and give them an opportunity to present observations.

"**25.3.** Where a general forest management plan, or an amendment to such a plan, is submitted to the Minister for approval, the Minister may, for all or part of the management unit or territorial unit concerned, permit a departure from the standards for forest management prescribed by government regulation if it is shown that the substitute measures proposed by the agreement or contract holder offer equivalent or superior protection for forest resources and the forest environment.

The plan must indicate the regulatory standards from which a departure is to be permitted and specify the scope of the substitute measures, the places where they will apply, the results they are designed to achieve and the mechanisms that will ensure their application.

Before giving authorization, the Minister shall consult the other ministers concerned.

A person does not contravene the regulatory provisions indicated in the general plan approved by the Minister if the person complies with the corresponding provisions of the plan.

"**25.3.1.** The Minister may amend or revoke an authorization given under section 25.3 and make a corresponding amendment to the general plan where

(1) the Minister observes that all or some of the substitution measures have failed to achieve the results specified in the plan; or

(2) the regulatory standards have been amended.

Before making a decision, the Minister shall consult the other ministers concerned. The Minister must also inform the holders of forest management

permits subject to the plan of the impending decision and give them an opportunity to present observations."

24. Section 25.4 of the said Act is amended by replacing "25.3" in the first line by "25.3.1".

25. Section 26 of the said Act is replaced by the following section:

"**26.** The holder of a forest management permit shall scale all timber harvested in forests in the domain of the State according to the scaling standards prescribed by regulation of the Government. The choice of the scaling method by the holder from among the scaling methods prescribed by regulation of the Government must be approved by the Minister.

The holder of a forest management permit shall comply with the scaling instructions provided by the Minister in connection with the scaling method selected."

26. Section 29 of the said Act is amended by replacing "yields contemplated in timber supply and forest management agreements" in the second and third lines of the third paragraph by "annual yields and the objectives for forest protection or forest development assigned by the Minister to a given forest territory".

27. Section 30 of the said Act is repealed.

28. Section 31 of the said Act is amended by inserting the following paragraph after the first paragraph:

"A person who obtains authorization under the first paragraph shall comply with the forest management standards and scale any timber harvested when the road is constructed in accordance with section 26."

29. Section 32 of the said Act is amended by replacing "unless he holds a forest management permit issued by the Minister under this Act" in the second and third lines by "unless special authorization to do so is contained in the person's forest management permit".

30. The said Act is amended by inserting the following after the heading of Chapter III of Title I:

"DIVISION 0.1

"MANAGEMENT UNITS

"**35.1.** The management unit is the basic territorial unit for forest management activities carried out to supply a wood processing plant, and more specifically for the determination of the annual allowable cut, forest

protection and forest development objectives, and the means to be implemented to meet those objectives.

“**35.2.** The Minister shall establish and make public, not later than 1 September 2002, the delimitation for management units. The delimitation shall come into force on 1 April 2005.

For the purposes of the delimitation, the Minister shall, as far as possible, take into account, in particular, the bio-physical characteristics and historical use of the territory.

“**35.3.** Each management unit shall consist, as far as possible, of a single block containing, in particular, the areas intended for forest production.

The perimeter of each unit shall be drawn on the maps kept by the department.

No management unit may be established to the north of the territorial limit determined by the Minister.

“**35.4.** The Minister shall determine the annual allowable cut for the management unit, by species or group of species, and the annual yield of the areas intended for forest production, using the method and hypotheses prescribed in the forest management manual.

“**35.5.** The annual allowable cut is the maximum volume of timber of a particular species or group of species that may be harvested annually in perpetuity from a given management unit without reducing the productive capacity of the forest environment.

The annual yield is the annual allowable cut for a particular species or group of species, expressed as the volume that may be harvested on average per hectare in an area intended for forest production, taking into consideration the age-class distribution of stands in the area concerned, the sylvicultural techniques that may be applied and the bio-physical characteristics of the area.

Where the forest area contains high-quality hardwood or softwood species, the annual yield must be established taking into consideration the sylvicultural techniques that permit not only to maintain the yield in volume but also to increase the quality of the timber harvested.

“**35.6.** The Minister may also assign objectives, for the management unit, concerning the protection or development of forest environment resources, including increased yield objectives to increase, through the carrying out of sylvicultural treatments, the annual allowable cut over the long term.

Before assigning objectives, the Minister shall consult the other ministers concerned, if applicable, and, in conformity with the consultation policy referred to in section 211, the regional organizations or bodies concerned.

"**35.7.** The annual allowable cut, annual yield and objectives assigned to the management unit shall be integrated into the general forest management plan for the unit.

The Minister shall supervise the preparation of the general plan.

"**35.8.** The Minister may, in order to exercise the powers and functions set out in sections 35.4, 35.6 and 35.7, impose special requirements on the holders of timber supply and forest management agreements or forest management agreements.

"**35.9.** A forest management unit may be the subject of several agreements under this chapter. In no case may the total volume of timber allocated under the agreements, by species or group of species, exceed the annual allowable cut for the management unit.

"**35.10.** Where a management unit is the subject of several agreements, the plans, evaluations and corrective program referred to in section 61 and the annual report that must be filed in connection with the unit shall be filed jointly by all the agreement holders.

The agreement holders shall designate one of their number to act as their representative with the Minister as regards the preparation of a plan, corrective program or annual report of activities, and they shall advise the Minister of the designation. The agreement holders are solidarily liable for the payment of the costs incurred by the Minister pursuant to section 59.2 for establishing the general plan.

Each agreement holder is bound, for the purposes of paragraph 1 of section 60, only for the carrying out of the sylvicultural treatments for which that holder is responsible according to the annual management plan, but the holder is also warrantor for the carrying out of the other treatments provided for by the plan as if the holder were bound as solidary surety.

In addition, the agreement holders are solidarily liable for the carrying out of the evaluations referred to in section 60, for the application of the corrective program referred to in section 61 and, in a case of failure to pay, for the payment of the costs incurred by the Minister pursuant to section 61.1.

"**35.11.** Where a management unit is the subject of several agreements, the holders of the agreements must, at the request of one of the holders and unless otherwise provided under any other agreement between them, agree upon rules of management to facilitate the fulfilment, in whole or in part, of their obligations referred to in section 35.10.

If the holders have not come to an agreement 45 days after the notification of the request, one of them may require that the dispute be submitted to arbitration.

"**35.12.** The arbitration proceedings are governed by the provisions of Book VII of the Code of Civil Procedure (chapter C-25), with the necessary modifications.

In making their decision, the arbitrators may take into account the rules of management applicable in other management units or in similar circumstances and those already agreed upon in respect of the unit concerned. The arbitration award operates as stipulations agreed upon between the parties with respect to the subject of the dispute.

"**35.13.** No agreement under section 35.11 or arbitration award may be set up against the State. Any such agreement or award applies subject to the provisions of the general forest management plan that are referred to in paragraph 9 of section 52.

"**35.14.** The Minister may, as an exceptional measure, modify the boundaries of a management unit, subdivide it or join it to another unit, where the Minister considers that the unit, or another unit, because of a reduction in the areas intended for forest production or for any other reason, no longer has the characteristics required for optimum forest management. The same applies where the Minister considers it expedient to modify the northern limit.

The Minister shall make the new delimitation public at least two years before the date set for the forwarding of new general forest management plans ; the date of coming into force of the new delimitation shall be the same as the date applicable to the general plans.

For the establishment of the first general plan of a new management unit and the related consultations, and for the following five-year revision of the agreements, every holder of a current agreement covering all or part of the new unit is deemed to be the holder of an agreement concerning that unit and allocating, by species or group of species, a volume of timber equal to the percentage allocated under the current agreement in the common area.

Where production areas are withdrawn from a forest production area in circumstances described in section 35.15, sections 77.4 and 77.5 apply. The same applies where production areas are withdrawn following a modification to the northern limit.

"**35.15.** The Minister may, without modifying the boundaries of a management unit, modify the areas intended for forest production on the grounds of public interest, and in particular in response to :

(1) the classification of an exceptional forest ecosystem or a change to the boundaries of a previously classified ecosystem ;

(2) the application of another Act ;

(3) a modification to a land use plan referred to in Division III of Chapter II of the Act respecting the lands in the public domain (chapter T-8.1).

The Minister may, as an exceptional measure, so modify the areas intended for forest production by reason of the issue of a permit for the cultivation and operation of a sugar bush or by reason of the carrying on of an agricultural activity.

"**35.16.** In addition to the modifications that may be made when the Minister approves or finalizes the general plan, the annual allowable cut, annual yield and objectives assigned to the management unit shall be revised every five years.

They may be revised by the Minister, where the Minister considers it expedient, following a modification to the areas intended for forest production, the issue of a permit for the cultivation and operation of a sugar bush in an area intended for forest production, the occurrence of an event mentioned in section 79 or the issue of an order under section 80.1. The same applies where considered expedient by the Minister by reason of the carrying on of an agricultural activity in an area intended for forest production.

"**35.17.** The information contained in general forest management plans, annual management plans and corrective programs mentioned in sections 61 and 77.3, as approved or finalized by the Minister, and the information contained in the reports filed under section 55 or 70, is public information."

31. Section 37 of the said Act is amended by replacing "exigible from" in the third line of the second paragraph by ", contributions to the forestry fund and assessments to forest protection organizations payable by".

32. Section 38 of the said Act is amended by inserting "or units" after "unit" in the fourth line of the second paragraph.

33. Section 42 of the said Ac is amended

(1) by replacing "on the forest land" in the second line by "for the forest management unit or units";

(2) by replacing "that he carries out silvicultural treatments to attain the annual yield indicated in the agreement for each area intended for forest production" in the fifth, sixth and seventh lines by "provided he attains the annual yields and objectives assigned to the management units concerned, and subject to approval by the Minister of his annual management plan".

34. Section 43 of the said Act is amended by inserting "the volumes of timber allocated under forest management agreements, the volumes of timber that may be harvested by the holders of forest management contracts," after "forests" in the first line of paragraph 2.

35. The said Act is amended by inserting the following sections after section 43 :

“**43.1.** The Minister shall indicate, in the agreement, the volume of round timber of each species or group of species allocated for each management unit covered by the agreement.

“**43.2.** The Minister may, as an exceptional measure, allow that part of the round timber harvested by the agreement holder, in the course of a year, be intended for a processing plant other than the plant specified in the agreement, in particular where the Minister considers it necessary to avoid a deterioration or loss of timber or to ensure the optimal use of the timber.”

36. Sections 44 to 46 of the said Act are repealed.

37. Section 46.1 of the said Act is amended

(1) by inserting “other than timber from outside Québec” after “43” in the second line of the first paragraph and by adding the following sentence at the end of that paragraph : “The Minister may, if he considers it appropriate, take that measure only in respect of the territory he determines.” ;

(2) by striking out “total” in the second line of the third paragraph and by replacing “may not exceed the volumes allocated under the agreement reduced” in the eighth and ninth lines of that paragraph by “in a management unit situated in the territory delimited by the Minister may not exceed the volume allocated by species or group of species for that unit reduced”.

38. The heading of subdivision 3 of Division I of Chapter III of Title I of the said Act is replaced by the following heading :

“§3. — *Management area covered by an agreement*”.

39. Section 47 of the said Act is amended by replacing the first and second paragraphs by the following paragraph :

“**47.** The management area covered by an agreement shall comprise one or more management units.”

40. Sections 48 and 49 of the said Act are repealed.

41. Section 50 of the said Act is replaced by the following section :

“**50.** The management area covered by an agreement cannot be altered during the period covered by the agreement, except during the five-year revision under section 77 or pursuant to section 77.5, 80, 81, 81.1 or 81.2.”

42. Sections 51 to 58 of the said Act are replaced by the following sections:

"**51.** Every agreement holder must, before 1 April 2004 and every five years thereafter, establish and submit to the Minister, for approval, a general forest management plan for each management unit covered by the holder's agreement. Where several agreements concern the same management unit, the agreement holders must submit a joint plan.

The plan must be approved by a forest engineer.

"**52.** A general plan must include

(1) a description of the management unit concerned with a summary description of its socio-economic context, indicating the sectors to be protected, the areas intended for forest production and the bio-physical characteristics of those areas;

(2) the annual allowable cut, the annual yield and the objectives assigned to the management unit;

(3) a description of the forest management strategies selected to achieve the annual allowable cut, annual yield and objectives;

(4) a description of the prevention methods and suppression methods to be used to minimize the impact on the annual yield and the objectives of entomological and pathological problems that may affect the management unit;

(5) a five-year program describing the forest management activities to be carried out for the implementation of the forest management strategies, on the basis of the bio-physical characteristics of the areas concerned and the resulting operational constraints;

(6) a forecast, for the five years following the period covered by the plan, of the siting of the main infrastructures and the approximate location of cutting areas;

(7) a map, drawn to the scale determined by the Minister, showing the site of programmed activities and the main infrastructures;

(8) a summary of the forest management activities carried out in the area corresponding to the forest management unit since the beginning of the period covered by the general plans in force, setting out the management strategies implemented, the results of the evaluations provided for in section 60 and the advancement of the work to implant or renew the main infrastructures;

(9) where several agreements concern the same area, a decision-making and dispute settlement procedure applicable to the preparation and implementation of the annual management plan;

(10) where applicable, a summary of ecoforest knowledge of the forest management unit gathered pursuant to section 59.4 ;

(11) any other element determined by regulation of the Government.

“**53.** The five-year program for forest management activities shall identify among the areas in which forest management activities are carried out, the areas in which other users have expressed an interest. Where applicable, the general plan shall determine the implementation schedule for the activities concerned and the other management procedures that are to apply.

“**54.** In order to take into consideration the interests and concerns of the other users of the land in the forest management unit and to avoid disputes concerning the carrying out of forest management activities, the agreement holders must issue invitations to take part in the preparation of the general plan to

(1) the regional county municipalities and, where applicable, the urban community whose territory contains any part of the management unit concerned ;

(2) the Native communities concerned, represented by their band councils ;

(3) any person or body that, for the area covered by the forest management unit concerned, in accordance with the Act respecting the conservation and development of wildlife (chapter C-61.1), has entered into an agreement for the management of a controlled zone, is authorized to organize activities or provide services in a wildlife sanctuary, or holds an outfitter’s licence ; and to

(4) any person holding a sugar bush management permit in an area intended for forest production within the management unit and any person leasing land within such an area for agricultural purposes.

The agreement holders may also issue invitations to any other person, organization or body to take part in the preparation of the plan.

“**55.** The agreement holders shall forward to the Minister, with the general plan, a report identifying the persons or bodies invited to take part in the preparation of the plan and those that have taken part, describing the participation process applied and stating, where applicable, the points on which the proposals of the participants diverged from the provisions of the plan.

The agreement holders shall forward a copy of the report to the participants.”

43. Section 58.1 of the said Act is amended by replacing “and the five-year plan available for examination by the public for a period of 45 days prior to their approval” in the first, second and third lines by “and the report referred to in section 55 available for examination by the public for a period of 45 days prior to the approval of the plan”.

44. Section 58.2 of the said Act is amended

(1) by replacing "20" in the third line of the first paragraph by "25";

(2) by striking out the third paragraph.

45. Section 58.3 of the said Act is amended

(1) by inserting "a participant referred to in section 55 or" after "and" in the first line;

(2) by replacing "10" in the third line by "20".

46. Section 59 of the said Act is replaced by the following sections:

"**59.** Every agreement holder must, before 1 January of the year 2005 and of every subsequent year, establish an annual management plan for every forest management unit covered by the agreement holder's agreement and submit the plan to the Minister for approval. Where several agreements concern the same management unit, the agreement holders must submit a joint plan.

The plan must be approved by a forest engineer.

"**59.1.** The annual plan must include

(1) a description of the forest management activities to be carried out during the period covered by the plan for the implementation of the five-year program included in the general plan. Where the general plan contains an implementation schedule or specific management procedures for the areas referred to in section 53, they must be complied with;

(2) a map, drawn to the scale determined by the Minister, showing the site of the forest management activities;

(3) where several agreements cover the same area, an indication of the agreement holder responsible for carrying out each forest management activity;

(4) where several agreements concern the same area, the rules and method for allocating among the agreement holders the credits to which they are entitled under this Act;

(5) an estimate of the volume of round timber, by species or group of species, intended for the wood processing plant of each agreement holder;

(6) every other element determined by regulation of the Government.

The annual plan must be accompanied with collated and analyzed forest inventory data that, in the opinion of the Minister, allows the relevance of the sylvicultural treatments to be carried out during the year to be validated.

"**59.2.** The Minister may approve a plan, reject it, or approve it with the amendments the Minister indicates.

If the holders of agreements concerning the same management unit fail to agree on a joint general plan before the deadline for submitting it to the Minister, they must submit to the Minister, before the same deadline, a document setting out the points on which they agree and disagree, together with the report referred to in section 55. The plan shall be finalized by the Minister at the expense of the agreement holders, once at least 45 days' public notice has been given of the place where the draft plan and the report may be consulted.

If the disagreement among the agreement holders concerns the annual plan, they shall give the Minister notice, before the prescribed deadline for submitting the plan to the Minister, of the date on which they expect to reach agreement.

"**59.3.** The general plan approved or finalized by the Minister shall come into force on 1 April of the year following the year during which the plan is to be submitted to the Minister, except the elements listed in paragraph 9 of section 52 which apply immediately ; the general plan shall cover a period of five years.

The annual management plan shall come into force on 1 April following its transmission to the Minister, or on the date of approval, if later ; the period covered by the annual management plan shall terminate on the following 31 March.

"**59.4.** Within a reasonable time after approving or drawing up the general plan, the Minister shall specify the ecoforest information on the forest management unit that the agreement holders must acquire before preparing the following plan. The Minister shall set a deadline for making the ecoforest information available to the Minister.

"**59.5.** The agreement holders may, at any time, submit modifications to the general forest management plan or annual management plan to the Minister for approval.

"**59.6.** The agreement holders must submit to the Minister for approval, at the request of the Minister and within the time fixed by the Minister, the modifications to the general plan needed following the revision, pursuant to the second paragraph of section 35.16, of the annual allowable cut, annual yield and objectives.

The same rule applies, but only with regard to the five-year program of activities, if the Minister, even where no revision has been carried out pursuant to the said section, considers it expedient in a circumstance described in the above-mentioned section.

“**59.7.** If the Minister enters into a new agreement concerning a management unit already covered by an approved or finalized general forest management plan, or if the Minister modifies the management area under an existing agreement to include such a unit, the new agreement holder shall be subject to the existing plan.

However, the Minister may require that the agreement holders submit for approval, within the time fixed by the Minister, modifications to the five-year plan of activities under the general plan if the general plan does not allow for the new agreement.

If the annual management plan has already been approved when the new agreement is entered into or the management area of the agreement is modified, the agreement holders must submit modifications to the plan for approval within the time fixed by the Minister.

“**59.8.** All modifications made to the general plan or annual plan under sections 59.5 to 59.7 shall be established and approved or finalized in accordance with the rules applicable to the initial plan.

If the only elements to be called into question are those referred to in paragraph 9 of section 52, the modifications to the general plan shall not be subject to the participation or consultation process provided for in the Act.

“**59.9.** The Minister may, on his own initiative and with no further formalities, rectify a plan to correct a clerical error.

“**59.10.** An agreement holder must, at the request of the Minister and within the time fixed by the Minister, provide to the Minister any additional information, research or survey the Minister considers necessary before approving a plan or modifications to a plan or, where applicable, before finalizing a general plan.

“**59.11.** Plans approved or finalized by the Minister, and modifications to such plans, are part of the agreement concerning the management unit.

Only general forest management plans and modifications to such plans shall be registered in the public register mentioned in section 38.”

47. Sections 60 and 61 of the said Act are replaced by the following sections :

“**60.** Every agreement shall include an undertaking by the agreement holder, for every management unit covered by the agreement,

(1) to carry out every year, at the agreement holder’s expense, the sylvicultural treatments provided for in the annual plan approved by the Minister ;

(2) to apply any corrective program established pursuant to section 61 ;

(3) to evaluate, using the method provided for in the Minister's instructions concerning the application of a ministerial order establishing the value of sylvicultural treatments eligible in payment of dues, the quality and quantity of the treatments carried out during the period covered by the annual agreement ;

(4) to evaluate, using the method provided for in the forest management manual, the state of the forest stands following the application of sylvicultural treatments, to determine their ability to produce the desired results ;

(5) to evaluate, using the method provided for in the Minister's instructions concerning the inventory of ligneous matter, the volume of ligneous matter left on harvested sites.

Notwithstanding the first paragraph, an agreement holder may, with the authorization of and on the conditions determined by the Minister, carry out an evaluation using another method of equal or superior effectiveness.

The sampling units and sample design used in applying an evaluation method must be submitted to the Minister for approval.

"**61.** The Minister may, after observing that the substitution measures authorized pursuant to section 25.3 have not led to the achievement of the results described in the general forest management plan, require the holder of the agreement concerning the management unit to submit, on the conditions and within the time fixed by the Minister, a corrective program of measures designed to ensure the achievement of the results. Where the management unit is covered by several agreements, the agreement holders must present a joint program.

The Minister shall approve the program with or without modification. The Minister may finalize a program if an agreement holder fails to submit a program within the time fixed pursuant to the first paragraph or, where several agreements concern the same management unit, if the agreement holders have failed to agree on a joint program within that time ; the costs incurred by the Minister for the purpose of the program must be reimbursed by the agreement holder, solidarily with the other agreement holders concerned where applicable.

"**61.1.** The Minister may, where an agreement holder fails to perform a contractual obligation referred to in section 60, perform the obligation at the expense of the agreement holder."

48. Section 62 of the said Act is repealed.

49. Section 63 of the said Act is amended by adding ", on payment of the cost of copying and forwarding the data" at the end.

50. Section 64 of the said Act is amended by replacing "annual yield indicated in the agreement" in the third line by "the annual yields and the objectives assigned to a management unit under an agreement".

51. Sections 65 to 67 of the said Act are repealed.

52. Section 70 of the said Act is replaced by the following section:

"**70.** Every agreement holder must, before 1 September each year, prepare and submit a report of activities to the Minister for each management unit covered by the agreement holder's agreement. Where several agreements concern a management unit, the agreement holders must present a joint report.

An annual report must contain

(1) a statement of the forest management activities carried out during the period covered by the preceding annual management plan and a map, drawn to the scale determined by the Minister, of the site of the activities;

(2) the results of evaluations made under subparagraphs 3 to 5 of the first paragraph of section 60;

(3) a progress report, as of the preceding 31 March, on the five-year program provided for in the general forest management plan;

(4) a statement of the volume of round timber, by the species or group of species specified in the agreement and by the quality of the timber, that each agreement holder has intended for the processing plant mentioned in the agreement during the period covered by the preceding annual plan;

(5) any other element determined by regulation of the Government.

The report must be approved by a forest engineer."

53. The said Act is amended by inserting the following after section 70:

"ii.1. VERIFICATION

"**70.1.** The Minister may, for the purposes of this Act, authorize an inspector to verify the data and information contained in an annual report. An inspector authorized by the Minister may, in particular, for verification purposes,

(1) gain access, at any reasonable time, to a place where the inspector has reasonable cause to believe that books, registers or other documents used by the agreement holder in preparing the report are to be found;

(2) examine and make copies of such documents, and require all information relating to the forest management activities of the agreement holder or to evaluations of sylvicultural treatments;

(3) require the agreement holder or any other person on the premises to provide reasonable assistance for the purposes of the verification.

"**70.2.** On request, an inspector authorized by the Minister shall produce identification and a certificate of authorization signed by the Minister.

"**70.3.** The Minister shall verify each year, using a sampling technique or otherwise, the reliability of the results of the evaluations appearing in the annual report. The Minister shall prepare a report on the verification and forward a copy to the holders of agreements concerning the management unit concerned.

"**70.4.** The verification shall not release the agreement holder from the obligations incumbent upon the holder; more specifically, the verification shall not be considered as an attestation of compliance with the applicable management standards or, with regard to sylvicultural treatments, as recognition of their ability to achieve the desired results or their eligibility in payment of dues."

54. Section 71 of the said Act is amended by replacing the last sentence by the following sentence: "The dues are payable by the agreement holder at the times determined by government regulation."

55. Section 72 of the said Act is amended by adding the following paragraph at the end:

"However, the Minister may, in a forest tariffing zone, adjust for each species or group of species and quality of timber the unit rate calculated in accordance with the first paragraph according to the volumes of timber harvested annually by the agreement holder and determined by the Minister."

56. Section 73.1 of the said Act is amended

(1) by replacing "to attain the annual yield in accordance with section 60" in the second and third lines of the first paragraph by ", in accordance with section 60, to attain the annual yields and the objectives assigned to the management unit";

(2) by striking out "forest management" in the first and second lines of the second paragraph;

(3) in the fourth paragraph by replacing "forest management activity" in the second line by "activity for the protection or development of forest resources", by replacing "a plan of the forest management activities" in the seventh and eighth lines by "the establishment of an activity plan" and by

replacing “on the forest management activities” in the ninth and tenth lines by “in the case of forest management activities or, in any other case, by a professional designated by the Minister, on the activities”.

57. Section 73.2 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence :

“**73.2.** An agreement holder may prepare and submit to the Minister, in the form and tenor determined by regulation of the Government, a periodic progress report on silvicultural treatment or other activities the holder carries out as payment of dues in accordance with section 73.1, approved by a forest engineer in the case of forest management activities or, in other cases, by a professional designated by the Minister.” ;

(2) by striking out “forest management” in the third line of the second paragraph ;

(3) by replacing “forest management activities accepted by the Minister in accordance with the third paragraph of section 73.1” in the third and fourth lines of the third paragraph by “activities accepted by the Minister in accordance with section 73.1”.

58. Sections 73.3.1 to 73.3.4 of the said Act are repealed.

59. Section 73.4 of the said Act is amended by replacing “seedling production, forest inventory data and forest research” in the third and fourth lines of the first paragraph by “forest management”.

60. Section 75 of the said Act is replaced by the following section :

“**75.** At the expiry of each period covered by a general forest management plan during which an agreement holder has fulfilled his obligations under this Act, the term of the agreement shall be extended for five years or, if the agreement was entered into during the term concerned, for a period equal to the period elapsed since its effective date.”

61. Section 76 of the said Act is repealed.

62. Section 77 of the said Act is replaced by the following sections :

“**77.** The Minister may, every five years after approving or finalizing a general forest management plan and after giving the agreement holder an opportunity to present observations, revise the volume of timber allocated under any agreement concerning the management unit, withdraw the management unit from the agreement or add other management units to the agreement so as to reflect

(1) changes in the requirements of the wood processing plant;

(2) changes in the availability of timber from private forests or from outside Québec, changes in the availability of timber in the form of wood chips, sawdust, shavings or recycled wood fibres, and changes in the availability of volumes of timber allocated under forest management agreements or in the evaluation of the volumes that may be harvested by the holders of forest management contracts;

(3) the average annual volume of timber, by origin, used by the plant since the beginning of the period covered by the preceding general management plans;

(4) the annual allowable cuts assigned to the management unit in the new plan;

(5) all the forest management activities carried out in the management unit since the beginning of the period covered by the preceding general plans, and especially the impact of those activities on the state of conservation of the forest and the forest environment and the effectiveness of the sylvicultural treatments and the other protection and conservation measures applied;

(6) a change or lack of improvement in the industrial performance of the agreement holder in the use of ligneous matter in the processing plant mentioned in the agreement since the beginning of the period covered by the preceding general plans.

Modifications to the agreements are applicable in respect of forest management activities carried out after the coming into force of the new general plans.

The Minister may reserve or allocate any volume of timber that becomes available pursuant to this section, as the Minister considers expedient.

"**77.1.** No increase in volume may be allocated pursuant to section 77 if the Minister considers that the forest management activities carried out in the management unit are unsatisfactory, having regard to the elements mentioned in subparagraph 5 of the first paragraph of section 77.

"**77.2.** Following a reduction in the annual allowable cut assigned to a management unit covered by several agreements, the Minister may take account of the impacts on regional or local economic activity of the apportionment of the reduction in volume among the agreement holders for the species or group of species concerned, and vary the reduction based on the impacts.

"**77.3.** Where the Minister decides, taking into account the elements mentioned in subparagraphs 5 and 6 of the first paragraph of section 77, to reduce the volume allocated under an agreement, the Minister may postpone

the revision and require the agreement holder to submit for approval, within the time and on the conditions fixed by the Minister, a corrective program containing measures to ensure that the results determined by the Minister are attained.

The Minister may approve the program, reject it or approve it with amendments.

If the agreement holder fails to apply the program, the Minister shall terminate it, cancel the postponement and apply the reduction in volume.

"**77.4.** Where the annual allowable cut assigned to a management unit is reduced following a modification of the areas intended for forest production pursuant to section 35.15, or the issue of a permit for the cultivation and operation of a sugar bush in an area intended for forest production or to take into account an agricultural activity carried on within such an area, the Minister may reduce the volumes of the species or group of species concerned allocated under any agreement; the provisions of section 77.2 apply where the unit is covered by several agreements.

Before modifying an agreement, the Minister shall give the agreement holder an opportunity to present observations.

"**77.5.** Where an agreement holder is affected by a reduction in timber volume pursuant to section 77.4, the Minister shall allocate to the holder a volume equivalent to the lost volume in one or more other management units, where forest production is sufficient. If forest production is not sufficient to allocate an equivalent volume to each of the agreement holders whose agreement is affected by a reduction, the Minister shall take into account the criteria set out in section 77.2.

Where the agreement holder has carried out forest management activities, as part of a plan approved by the Minister under subdivision 4 of Division I, that have not been credited in payment of dues, the Government shall, after giving the agreement holder an opportunity to present observations, grant the agreement holder compensation for the loss suffered in the amount considered fair by the Government based on the value of the activities."

63. Section 78 of the said Act is repealed.

64. Section 79 of the said Act is replaced by the following sections:

"**79.** Where substantial damage has been caused to timber stands in a forest area intended for forest production by natural disasters such as forest fires, windfalls, infestations of insects or cryptogamic diseases, the Minister shall prepare and administer a special forest management plan, notwithstanding sections 25, 27 and 171, for such period and on such conditions as the Minister determines, to ensure the salvage of the timber. The plan shall apply in the place and stead of the other plans approved or finalized by the Minister in accordance with this division.

The holders of agreements concerning the management unit covered by the special plan who are designated by the Minister to salvage the timber and, where the Minister considers that the amount of timber to be salvaged or the urgency of the situation so requires, any other agreement holder designated by the Minister to take part in the salvage, or any holder of a wood processing plant operating permit authorized by the Minister to take part in the salvage, must comply with the special plan.

The Minister shall indicate, in the special plan, the volume of timber that each participant must salvage and the sylvicultural treatments that each must carry out, beginning with the holders of agreements concerning the management unit covered by the special plan.

"**79.1.** The volume of timber to be salvaged under a special plan forms part of the volume that an agreement holder is authorized to harvest in the management unit covered by the special plan under the management permit provided for in section 86. Where the agreement of the agreement holder does not concern the management unit affected by the natural disaster, the volume to be salvaged is substituted for a corresponding volume to which the agreement holder is entitled in another management unit, designated by the Minister among the management units covered by the agreement holder's agreement. The Minister may, where the Minister considers that there is a risk of timber being lost, allow the annual volume under the agreement to be exceeded, for the time and on the conditions determined by the Minister.

Where an agreement holder fails to participate in a special plan, the annual volume authorized under the management permit concerned shall be reduced, for the current or for the following year, by a volume equal to the volume that has to be harvested by the agreement holder.

"**79.2.** The Minister may, for the implementation of a special plan, grant financial assistance to an agreement holder who applies to the Minister in writing, in particular in the form of a credit on the dues payable by the agreement holder under this Act."

65. Section 80 of the said Act is amended

(1) by inserting ", after giving the agreement holder an opportunity to present observations," after "may" in the third line;

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

"The Minister may also, for the same purpose and only during the period covered by the general forest management plan in force, authorize the holder of an agreement concerning a management unit affected by a natural disaster to obtain a volume of timber in another unit where the harvest has been reduced because of the participation, or failure to participate, of one or more agreement holders in a special plan for the salvage of timber in another unit. The volume of timber obtained shall be substituted for the corresponding

volume to which the holder is entitled in the unit affected by the natural disaster. In no case may the total of the substituted volumes obtained in a unit exceed the total of the volumes that the holders of agreements concerning the management unit have obtained in the management unit affected by the natural disaster under the special plan."

66. The said Act is amended by inserting the following section after section 80:

"**80.1.** Sections 79 to 80 also apply to ensure timber salvage in an area intended for forest production that is required for a hydroelectric development and is designated for that purpose by order of the Government."

67. Section 81 of the said Act is amended by replacing "the area and location of the forest management unit" in the third line by "management area covered".

68. Section 81.1 of the said Act is amended by inserting "and the management area covered" after "agreement" in the second line.

69. The said Act is amended by inserting the following section after section 81.1:

"**81.2.** The Minister may, after reaching an agreement with the agreement holder concerned, revise the volume allocated under or the area covered by an agreement, where the Minister considers such action necessary to ensure optimal use of the timber, especially where the agreement holder renounces part of the volume allocated, where the production of the processing plant changes, or where the enterprise undergoes restructuring."

70. Section 82 of the said Act is amended

(1) by adding "or the contribution payable under section 73.4" at the end of subparagraph 2 of the first paragraph;

(2) by replacing "61" in the second line of subparagraph 3 of the first paragraph by "59.2 or 61.1";

(3) by inserting the following paragraph after the first paragraph:

"In the cases provided for in subparagraph 1 or 3 of the first paragraph, the Minister may, instead of terminating the agreement, modify it to withdraw the management unit concerned from the application of the agreement.";

(4) by replacing "terminate the agreement" in the second line of the last paragraph by "terminate or amend the agreement, as the case may be,".

71. The said Act is amended by inserting the following after section 84:

“DIVISION I.1

“FOREST MANAGEMENT AGREEMENTS

“**84.1.** The Minister may, on the conditions determined by the Minister, enter into a forest management agreement with any legal person or body that does not hold a wood processing plant operating permit and that is not related, within the meaning of the Taxation Act (chapter I-3), to the holder of such a permit, if forest production is sufficient and if the Minister considers it in the public interest.

“**84.2.** The term of a forest management agreement is ten years. The agreement shall take effect on the date on which it is registered in the register established under section 38.

The term of an agreement shall be extended subject to the conditions set out in section 75.

“**84.3.** A forest management agreement entitles its holder to obtain, each year, for one or more management units described in the agreement, a management permit to harvest a volume of round timber of one or several species to be sold for the supply of wood processing plants, on condition that the agreement holder performs the obligations under this Act and the agreement, provided the annual yields and objectives assigned to the management units concerned are attained, and provided the Minister has approved the annual management plan.

“**84.4.** The agreement may not be transferred.

“**84.5.** The agreement holder must, before 1 September each year, provide the Minister with a sworn statement listing the holders of wood processing plant operating permits for whom the timber harvested during the period covered by the annual management plan by the agreement holder was intended, and specifying, in each case, the volumes involved.

“**84.6.** The Minister may, every five years, after approving or finalizing the general forest management plan and after giving the agreement holder an opportunity to present observations, review the conditions set out in the agreement where the Minister considers it expedient.

“**84.7.** The Minister may terminate the agreement on becoming aware of a change in the control of the legal person or body holding the agreement.

The Minister must, in such a case, give the holder notice of the Minister’s intention to terminate the agreement.

The Minister shall enter any notice given under this section in the register provided for in section 38.

"**84.8.** Sections 38, 41, 43.1 and 50 to 64, section 70 except subparagraph 4 of the second paragraph, sections 70.1 to 73.6 and 77 to 80.1, section 82 except subparagraph 5 of the first paragraph, and the reference to section 166 in subparagraph 4 of the first paragraph, and section 83 apply, with the necessary modifications, to forest management agreements as if they were timber supply and forest management agreements.

"**84.9.** The Minister shall terminate an agreement without prior notice where

(1) the agreement holder ceases timber marketing operations permanently ;

(2) the agreement holder has made an assignment of property or has been under a bankruptcy order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, chapter B-3) or, in the case of a legal person, has been under a winding-up order ;

(3) the agreement holder becomes related, within the meaning of the Taxation Act, to the holder of a wood processing plant operating permit."

72. Section 85 of the said Act is replaced by the following section :

"**85.** The Minister shall issue a forest management permit to the holder of a timber supply and forest management agreement or of a forest management agreement upon approval of the annual forest management plan for the management unit concerned."

73. Section 86 of the said Act is replaced by the following section :

"**86.** A forest management permit authorizes the permit holder to harvest a volume of timber of one species or several species in a management unit, during the period covered by the annual plan and subject to the reductions in volume made under this Act, up to the annual volume fixed in the holder's agreement or the volume as increased under this Act, and to carry out the other forest management activities under the agreement holder's responsibility.

The permit authorizes harvesting for the supply of wood processing plants and, in the case of a timber supply and forest management agreement, only for the supply of the plant mentioned in the agreement, except if a contrary decision has been made by the Minister under section 43.2.

The permit must state, by species or group of species, the authorized volume of timber and, where applicable, the processing plant supplied."

74. The said Act is amended by inserting the following section after section 86 :

"**86.1.** Where the Minister observes that, for a given year, the volume authorized under this Act has been exceeded, the Minister may, after giving

the agreement holder an opportunity to present observations, reduce the volume authorized for the current or a subsequent year.

In calculating whether an authorized volume has been exceeded, the following are taken into account:

(1) the volume of ligneous matter left on site;

(2) the trees or parts of trees, by species or group of species, that the agreement holder has failed to harvest in carrying out the sylvicultural treatments under the annual management plan that are the responsibility of the agreement holder.

Where the Minister is unable, because several agreements cover the same management unit, to determine which agreement holder is to be subject to the reduction, the Minister shall apply the reduction to all the holders of agreements concerning the species or group of species concerned in proportion to the volume allocated to each."

75. Section 92 of the said Act is repealed.

76. Section 92.0.1 of the said Act, amended by section 23 of chapter 4 of the statutes of 2000, is again amended

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

"**92.0.1.** Where, for a particular year, an agreement holder does not harvest the full volume of timber allocated under the holder's agreement for a management unit, the agreement holder may do so during the subsequent years preceding the end of the period covered by the general forest management plan, except in respect of a year in which the Minister applies the reduction provided for in section 46.1 or 79.1 in the management unit concerned or, after obtaining authorization from the Minister, in another management unit covered by the holder's agreement in which the holder has also accumulated an equivalent or greater volume of unharvested timber.";

(2) by inserting ", 79.1 or 86.1" after "46.1" in the second line of the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

"In no case may the agreement holder harvest, in a year, a volume greater than the total annual volume of a species or group of species allocated for all the management units covered by the holder's agreement, increased by 15%, and that increase will be authorized only if the agreement holder has harvested the entire volume allocated to the holder for the current year."

77. Section 92.0.2 of the said Act is amended

(1) by replacing "his forest management permit" in the second and third lines by "the annual plan for a forest management unit";

(2) by replacing "is not allocated to him by agreement, and where such timber cannot be used at the wood processing plant of an agreement holder whose agreement is carried out in the same common area" in the fourth, fifth and sixth lines by "is not allocated under an agreement concerning the management unit concerned".

78. The said Act is amended by inserting the following after section 92.0.2:

"§1.0.1. — *One-time harvest*

"**92.0.3.** The Minister may, if considered expedient by the Minister, accredit the holder of a wood processing plant operating permit to enable the permit holder to obtain a management permit in a management unit to supply the holder's plant where

(1) an agreement holder has renounced all or part of the volume of timber the agreement holder was or could have been authorized to harvest in the management unit during the period covered by the annual plan or the remainder of that period, as the case may be;

(2) a volume of timber is made available following the application of the limits provided for in the third paragraph of section 92.0.1;

(3) a volume of timber is made available following the renunciation by the holder of a wood processing plant operating permit to exercise the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by the permit holder to exercise such right in a previous year;

(4) a volume of timber is made available by reason of the non-fulfilment, in a previous year, of an auxiliary timber supply guarantee agreement entered into pursuant to section 95.1;

(5) in the cases referred to in section 80, the holder is to be allowed to harvest a volume of timber in a management unit other than the management unit affected by the disaster.

The Minister shall, for the same purposes, accredit a permit holder with whom the Minister has entered into an auxiliary timber supply guarantee agreement, so that it may be fulfilled.

"**92.0.4.** The accreditation shall indicate the volume of round timber, by species or group of species, to which it applies and specify the processing plant involved.

The Minister may include in the accreditation any condition considered advisable by the Minister.

“**92.0.5.** The annual management plan for the unit must integrate the forest management activities related to the volume of timber to which the accreditation applies and indicate whether the related forest management work is to be carried out by the accredited permit holder or by the agreement holders concerned.

The accredited permit holder shall collaborate in the preparation of the part of the plan integrating the activities concerned, even where that holder is not the holder of an agreement concerning the management unit ; the permit holder shall not, however, take part in the designation of the person responsible for carrying out the work.

“**92.0.6.** If the annual plan has already been approved when the accreditation is granted, the accredited permit holder and the holders of agreements concerning the management unit must, at the request of and within the time fixed by the Minister, submit modifications to the annual plan to the Minister for approval.

“**92.0.7.** Once the annual plan or the modifications to the annual plan have been approved, the Minister shall issue a special management permit to the accredited permit holder or, if the permit holder is the holder of a timber supply and forest management agreement concerning the unit, shall amend the permit referred to in section 86 to add the volume of timber specified in the accreditation.

“**92.0.8.** The special permit authorizes the holder to harvest the volume of round timber specified in the accreditation or to have the work related to the harvest carried out by the holder of an agreement concerning the unit, as provided for in the annual plan, and to carry out the other forest management activities for which the holder is responsible under the plan.

The permit shall indicate the volume of each species or group of species that may be harvested and specify the processing plant that will be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

“**92.0.9.** The agreement holder designated in the annual plan, if any, shall be responsible for carrying out the work relating to the harvest at the expense of the holder of the special permit.

“**92.0.10.** The holder of the special permit is considered to be the holder of an agreement concerning the management unit as regards the establishment of the annual report of activities, the verifications referred to in sections 70.1 to 70.4 and the payment of the dues under sections 71 and 72 for the timber harvested. The dues are payable in cash or by way of sylvicultural

treatments or other activities carried out by the holder, in accordance with sections 73.1 to 73.3.

“**92.0.11.** The accredited permit holder must, in the cases set out in paragraphs 1 and 2 of section 92.0.3, reimburse the agreement holder who would have been entitled to harvest the volume of timber concerned for the part of the contribution to the forestry fund or of the assessment to the forest protection organizations that the latter has paid for that volume of timber.

“**92.0.12.** The Minister shall also issue a management permit in the cases referred to in section 79, to allow the application of a special management plan in a management unit affected by a natural disaster, where required by the amount of timber to be salvaged or the urgency of the situation.

The permit shall indicate the volume of each species or group of species that may be harvested and specify the processing plant that will be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

Section 92.0.10 applies to the holder of such a permit.

“**92.0.13.** The Minister may revoke an accreditation or a permit issued under this subdivision, or modify a permit referred to in section 86 to withdraw the new volume authorized, if the permit holder fails to comply with the conditions of the permit.

Before making a decision, the Minister must send the permit holder the written notice prescribed by section 5 of the Act respecting administrative justice and grant the holder at least 10 days to present observations.”

79. Section 92.1 of the said Act is amended

(1) by replacing “his forest management unit” in the third line of the first paragraph by “any forest management unit covered by the agreement, where forest production is sufficient”;

(2) by replacing “and shavings” in the fourth line of the first paragraph by “, shavings or other processing residue, except bark,”;

(3) by adding “and the notice is accompanied with a copy of the notification to the agreement holder” at the end of subparagraph 2 of the second paragraph;

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

“Before granting an authorization, the Minister shall give the agreement holder an opportunity to present observations, in particular with regard to the volumes of timber of which the wood processing plant permit holder may have failed to take delivery in accordance with the agreement referred to in the first paragraph.”

80. Section 95.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**95.1.** The Minister may, if forest production is sufficient, enter into an auxiliary timber supply guarantee agreement with the holder of a processing plant operating permit, on the conditions and for the time fixed by the Minister."

81. Section 95.2 of the said Act is amended

(1) by replacing "fixed by the Government" in the second line by "fixed by the Minister";

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

"The agreement shall specify the territory within which the auxiliary timber supply guarantee will be executory and the volumes involved."

82. The said Act is amended by inserting the following section after section 95.2:

"**95.2.1.** Sections 73.4 and 73.5 apply to the permit holder who has entered into an auxiliary timber supply guarantee agreement as if the holder were the holder of a timber supply and forest management agreement. The contribution to be paid to the Minister shall be established on the basis of the auxiliary volume specified in the agreement."

83. Section 95.3 of the said Act is amended by replacing "section 24.1" in the third line of the first paragraph by "the second paragraph of section 92.0.3".

84. The said Act is amended by inserting the following section after section 95.4:

"**95.5.** The Minister may terminate an auxiliary timber supply guarantee agreement if

(1) the agreement holder fails to comply with his obligations under the agreement or the conditions governing his forest management activities;

(2) the agreement holder fails to pay the contribution established under section 95.2.1;

(3) the wood processing plant operated by the agreement holder has not been in operation for one-and-a-half years;

(4) the agreement holder's wood processing plant ceases permanently to be in operation;

(5) the agreement holder has made an assignment of property or a receiving order has been made against him under the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3), or in the case of a legal person, a winding-up order been made against it."

85. Section 96 of the said Act is amended

(1) by inserting "or forest management agreement" after "agreement" in the second line of the first paragraph;

(2) by replacing "prescribed under section 171" in the second and third lines of the third paragraph by "applicable to those forest management activities".

86. Section 96.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The Minister may, where it is considered necessary by the Minister because of the potential loss of a volume of timber, allow the annual allowable cut to be exceeded, for the time and on the conditions determined by the Minister.";

(2) by replacing "volume of timber allocated in the contract shall be reduced" in the third and fourth lines of the second paragraph by "annual volume of timber authorized under the management permit shall be reduced, for the current or a subsequent year,".

87. Section 97 of the said Act is amended by striking out "a forest educative centre," in the fourth and fifth lines of the third paragraph.

88. The said Act is amended by inserting the following sections after section 102:

"**102.1.** The contract takes effect from the date of its registration in the register established under section 38, and expires on the date appearing in the contract.

"**102.2.** The contract may not be transferred.

"**102.3.** A forest management contract entitles its holder to obtain, each year, for the management area described in the contract, a management permit to supply wood processing plants, on condition that the contract holder performs the obligations under this Act and the contract, provided the annual yields and objectives assigned by the Minister to the area covered by the contract are attained, and provided the Minister has approved the annual management plan."

89. Section 103 of the said Act is replaced by the following section:

“**103.** The area covered by a forest management contract must be managed according to a general forest management plan and an annual management plan drawn up by the contract holder and approved by the Minister.

The Minister shall determine, in the contract, the time within which the holder must submit a general plan for approval; until the general plan is approved, only the annual management plan is required.

The plans submitted to the Minister must be approved by a forest engineer.”

90. Section 104 of the said Act is amended

(1) by replacing “The contract shall stipulate, in particular,” in the first line by “Subject to the provisions made applicable by section 104.1, the Minister shall stipulate in the contract, in particular,”;

(2) by replacing “forest management plan” in the second line of paragraph 1 by “general forest management plan and annual management plan” and “in the forest management plan” in the fifth line of the same paragraph by “in the plans”;

(3) by replacing “forest management plan” in the first and second lines of paragraph 2 by “general forest management plan and annual management plan”.

91. The said Act is amended by inserting the following sections after section 104:

“**104.1.** Sections 35.4 to 35.8 and 35.15, the second paragraph of section 35.16, sections 35.17 and 54 to 58.3, the first paragraph of section 59.2, sections 59.5, 59.6, 59.8 to 64, section 70 except subparagraph 4 of the second paragraph, sections 70.1 to 70.4, 73.4 to 73.6 and section 82, except subparagraphs 4 and 5 of the first paragraph and the second paragraph, section 84 except paragraph 1 and section 86.1 apply, with the necessary modifications, to forest management contracts. For such purposes,

(1) the management unit is the management area specified in the forest management contract;

(2) the holder of the timber supply and forest management agreement is the holder of the forest management contract;

(3) the volume allocated under the agreement is the annual allowable cut assigned to the management area covered by the contract.

“**104.2.** The Minister shall issue a management permit for the supply of a wood processing plant to the holder of the contract once the annual management plan has been approved.

"**104.3.** The permit authorizes the holder to harvest in the territory covered by the contract, during the period covered by the annual forest management plan and subject to any reductions made under this Act, a volume of round timber of one or several species to supply wood processing plants, and to carry out the other forest management activities specified in the annual management plan.

The permit shall indicate the authorized volumes by species or group of species, which may not exceed the annual allowable cut or the additional cut authorized pursuant to section 96.1.

"**104.4.** The contract holder must, before 1 September each year, submit a sworn statement to the Minister listing the wood processing plants for which the timber harvested by the holder during the period covered by the preceding annual management plan was intended and indicating the volume concerned in each case.

"**104.5.** The Minister shall establish the contract holder's contribution to the forestry fund on the basis of the rate per cubic metre of timber fixed by regulation of the Government applicable to the volume authorized under the management permit.

"**104.6.** The Minister may, where the Minister considers it expedient to promote economic development and on the conditions determined by the Minister, renew the contract provided that the contract holder has, during the period covered by the agreement, performed the obligations imposed by this Act.

When a contract is renewed, the Minister may, after giving the holder an opportunity to present observations, revise the management area covered by the contract."

92. Sections 105 and 105.1 of the said Act are repealed.

93. Section 106 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out "forest management" in the second line of the third paragraph;

(3) by replacing the fourth paragraph by the following paragraph:

"The provisions of this section do not apply where the contract holder is a municipality or a Native band council."

94. Section 109 of the said Act is amended by replacing "the timber supply and forest management agreement holder" in the second and third lines by "the holder of a timber supply and forest management agreement or of a forest management agreement that concerns the management unit involved".

95. Division II of Chapter V of Title I of the said Act, comprising sections 110 and 111, is repealed.

96. Section 116 of the said Act is replaced by the following section:

“**116.** The Minister may, with the authorization of the Government, erect forest stations in public forest reserves to concentrate within the same territory the exercise of two or more activities governed by Division I or III of this chapter and other activities compatible therewith that may foster the development and enhancement of a forest station.”

97. Section 117 of the said Act is replaced by the following sections:

“**117.** The forest stations shall be developed by the Minister who shall see that all the activities exercised in a forest station remain compatible with the pursuit of its mission.

“**117.0.1.** The Minister may, to foster the development and enhancement of a forest station, entrust a legal person with the mandate to carry out all or part of the operations to develop the forest station, on the terms and conditions determined by the Minister.

Before carrying out the forest management activities authorized by the Minister within the framework of a mandate, the mandatary must submit a management plan to the Minister for approval.

The mandatary must comply with the standards of forest management applicable to the mandatary’s forest management activities as if the mandatary were the holder of a management permit, whether their application is prescribed by government regulation or imposed by the Minister pursuant to section 25.2.

“**117.0.2.** The Minister may allow the mandatary to sell for his own account any timber harvested in carrying out the forest management activities authorized by the Minister within the framework of the mandate.

The mandate may include special provisions concerning the sale and destination of the timber, the reports of activities the mandatary must submit to the Minister or any other provision to ensure the carrying out of the mandate.

“**117.0.3.** In addition to the powers that may otherwise be exercised by the Société des établissements de plein air du Québec, the Société may accept any mandate pertaining to the carrying out of forest management activities entrusted to it by the Minister pursuant to this division.

“**117.0.4.** The mandates or authorizations pertaining to experimentation, teaching or research activities, including related forest management activities, shall be governed by the second paragraph of section 108, section 113, the second paragraph of section 114 and section 115.”

98. Section 118 of the said Act is amended by replacing "and the development of forests" in the third line by "and the protection or development of forests, including increased yield".

99. Section 120 of the said Act is amended

(1) by replacing "its forested area" in the fourth line of subparagraph 2 of the first paragraph by "the total forested area of the unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (chapter F-2.1)";

(2) by replacing "dues" in the second line of the second paragraph by "fees".

100. Section 123 of the said Act is amended

(1) by striking out "form and" in the first line of paragraph 3;

(2) by inserting "protection or" after "eligible" in the third line of paragraph 3;

(3) by inserting "paid" after "taxes" in the seventh line of paragraph 3;

(4) by striking out the last sentence of paragraph 3.

101. Section 124.18 of the said Act, amended by section 157 of chapter 56 of the statutes of 2000, is again amended by adding the following at the end of the first paragraph: "; that part of the plan must be approved by a forest engineer. The plan must also include a five-year program of forest protection and development activities fostered by the agency and state the indicators selected to achieve the objectives."

102. The said Act is amended by inserting the following section after section 124.21:

"**124.21.1.** The agency must revise its plan every five years, on the same conditions as when preparing its initial plan."

103. Section 124.25 of the said Act is amended by replacing the second paragraph by the following paragraph:

"However, financial participation in the carrying out of forest development work shall be limited to forest areas registered in accordance with section 120, regardless of the person or body eligible under a program of the agency."

104. Section 125 of the said Act is amended by inserting ", forest management agreements, forest management contracts or auxiliary timber supply guarantee agreements" after "agreements" in the second line of the first paragraph.

105. The said Act is amended by inserting the following section after section 126:

"**126.1.** Any amendment to the by-laws must be submitted to the Minister for approval."

106. Section 127 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**127.** Every holder of an agreement or contract must be a member of the forest protection organization certified by the Minister for the management units covered by the agreement holder's agreement or the management area covered by the contract holder's contract."

107. Section 127.1 of the said Act is amended

(1) by replacing "a timber supply and forest management agreement" in the second line by "an agreement or a contract";

(2) by adding the following paragraph:

"The Minister may terminate an auxiliary timber supply guarantee agreement for the same reasons."

108. Section 146 of the said Act is amended by inserting ", forest management agreements, forest management contracts or auxiliary timber supply guarantee agreements" after "agreements" in the second line of the first paragraph.

109. The said Act is amended by inserting the following section after section 147:

"**147.0.1.** Any amendment to the by-laws must be submitted to the Minister for approval."

110. Section 147.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**147.1.** Every holder of an agreement or contract must be a member of the forest protection organization certified by the Minister for the management units covered by the agreement holder's agreement or the management area covered by the contract holder's contract."

111. Section 147.2 of the said Act is amended by adding at the end, after "organization." the following sentence: "The Minister may, for the same reasons, terminate an auxiliary timber supply guarantee agreement."

112. Section 147.3 of the said Act is amended by inserting ", forest management agreement and forest management contract" after "agreement" in the second line of the second paragraph.

113. Section 165 of the said Act is amended by inserting ", as well as the authorized volumes for those species or groups of species" after "regulation" in the third line of the second paragraph.

114. Section 170 of the said Act is amended by inserting "suspend or cancel" after "or" in the second line.

115. Section 170.1 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"The Minister may, if he considers it expedient, renew the agreement on the same conditions no more than four times."

116. Section 170.2 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following words: "and financing other activities designed to maintain or improve the protection, development or processing of forest resources";

(2) by replacing the second paragraph by the following paragraph:

"However, the amounts paid by the Minister pursuant to section 73.5 and any related surplus shall be allocated only to the financing of activities connected with forest management."

117. Section 170.5.1 of the said Act is amended

(1) by replacing "forest management activities referred to in the second paragraph of" in the first and second lines by "activities referred to in";

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

"(1) the amounts that may be paid into the fund;";

(3) by striking out "forest management" in the second line of paragraph 2.

118. The said Act is amended by inserting the following section after section 171:

"**171.1.** The regulations made by the Government under section 171 may be adapted to better reconcile forest management activities with the activities pursued by Native persons for food, ritual or social purposes.

The regulatory provisions made pursuant to the first paragraph shall indicate, where applicable, the Native communities or the territories to which they apply.

Every draft regulation providing for such adaptations shall be submitted to the Native communities concerned for their opinion at least 45 days before the regulation is made by the Government."

119. Section 172 of the said Act is amended

(1) by inserting "or, where applicable, for each area of land" after "timber" in the first line of paragraph 1 ;

(2) by striking out "forest management" in the second line of paragraph 3 and by replacing "in the fourth paragraph of section 73.1" in the fifth line of that paragraph by "in section 73.1, including the information, reports or other documents to be prepared or submitted" ;

(3) by striking out "forest management" in the second line of paragraph 3.1 ;

(4) by replacing paragraph 4 by the following paragraph :

"(4) establish the scaling standards for timber harvested in forests in the domain of the State, specifying, in particular, scaling methods, the place where scaling must take place, the standards applicable depending on whether scaling takes place before or after the timber is transported, and the standards applicable to transportation, the forwarding of scaling or inventory data, the verification of data and the scaling corrections to be made, including the assistance that the permit holder must provide to the Minister ;" ;

(5) by replacing paragraph 7 by the following paragraph :

"(7) determine the elements, in addition to those prescribed by this Act, that must be contained in a general forest management plan, an annual management plan, and the annual report of activities that the holder concerned must prepare and submit to the Minister ;" ;

(6) by replacing "fees for" in the third line of paragraph 18.3 by "file processing fees for" ;

(7) by replacing paragraph 19 by the following paragraph :

"(19) determine, among the provisions of a regulation for which no penal sanction is otherwise provided, those the contravention of which constitutes an offence and determine, among the fines provided for in section 186.9, the fine to which the offender is liable." ;

(8) by adding the following paragraph after the first paragraph :

"The Minister shall define, in an instruction manual, for each of the scaling methods determined by the Government under subparagraph 4 of the first paragraph, the various scaling and sampling techniques, the content and form of the various applications and other types of forms relating to scaling, inventories and transportation, and any other instruction relating to the application of any such scaling method. The instruction manual is not subject to the provisions of the Regulations Act (chapter R-18.1). However, it must be supplied by the Minister to every management permit holder once the scaling method selected has been approved."

120. Section 172.1 of the said Act is amended

(1) by inserting "protection or" after "eligible" in the first line of subparagraph 1 of the first paragraph;

(2) by striking out "form and" in the first line of subparagraph 3 of the first paragraph.

121. The said Act is amended by inserting the following after the heading of Title VI:

"CHAPTER 0.1

"CIVIL REMEDIES

"**172.3.** The court may, besides awarding damages for damage caused to a forest ecosystem classified as an exceptional forest ecosystem by the Minister, order the person responsible to pay punitive damages."

122. Sections 173 to 185.1 of the said Act are replaced by the following sections:

"**173.** Every person who, without holding a management permit, cuts, displaces, removes or harvests timber on lands in the domain of the State, or who damages trees or taps a maple tree on such lands, is guilty of an offence and is liable to a fine of

(1) $5 to $450 for each tree in respect of which an offence is committed;

(2) $200 to $5,000 where the offence involves a shrub, half-shrub, slash or cull.

"**174.** Every holder of a management permit or third person entrusted with the execution of work authorized by a permit who cuts timber outside the cutting areas indicated in the permit or the management plan with which the permit holder is bound to comply is guilty of an offence and is liable to a fine of $4,000 to $50,000 for each hectare or part of a hectare cut outside the perimeter of the area where cutting was authorized.

"**175.** Every holder of a management permit who harvests timber in excess of the volume authorized under this Act is guilty of an offence and is liable to a fine of $40 to $200 for each cubic metre of timber harvested in excess of the authorized volume.

Every holder of a management permit who harvests timber of a species or group of species the permit holder is not authorized to harvest under this Act is guilty of an offence and is liable to a fine of $40 to $200 for each cubic metre of timber harvested without authorization.

"**176.** Every holder of a management permit who ships timber the permit holder is authorized to harvest under this Act to a destination other than the processing plant specified in the permit, or who allows such timber to be so shipped, is guilty of an offence and is liable to a fine of $40 to $200 for each cubic metre of timber shipped to such a destination, unless authorized to do so pursuant to section 43.2.

"**177.** Every holder of a management permit or third person entrusted with the execution of work authorized by a permit who carries out a forest management activity on lands in the domain of the State in contravention of a provision of the permit is guilty of an offence and is liable, in all cases where the offence is not otherwise punishable, to a fine of

(1) $5 to $450 for each tree in respect of which an offence is committed;

(2) $200 to $5,000 where the contravention concerns a provision of a management permit issued under section 24.0.1 or 94.

"**178.** Every holder of a management permit who fails to comply with an order given by the Minister pursuant to section 25.1 or who neglects to follow up on the order is guilty of an offence and is liable to a fine of $500 to $5,000.

"**179.** Every holder of a management permit who contravenes the first paragraph of section 26.1 is guilty of an offence and is liable to a fine of $500.

"**180.** Every person who contravenes one of the provisions of sections 27, 28 and 28.1 is guilty of an offence and is liable to a fine of $1,125 to $5,600.

"**181.** Every person who contravenes section 28.2 or a forest management standard prescribed under subparagraph 2 or 7 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of $10 to $450 for each tree the person cut or failed to cut in contravention of the applicable standard.

Every person who contravenes a forest management standard relating to a matter referred to in subparagraph 2 or 7 of the first paragraph of section 171, the application of which was imposed by the Minister pursuant to section 25.2, is guilty of an offence and is liable to a fine of $20 to $900 for each tree the person cut or failed to cut in contravention of the applicable standard.

"**182.** The following persons are guilty of an offence and are liable to a fine of $500 to $10,000 :

(1) every person who contravenes the first paragraph of section 31 or fails to comply with the conditions of an authorization obtained from the Minister pursuant to the first paragraph of that section ;

(2) every person who contravenes section 32 or fails to comply with the provisions of the management permit issued to that person by the Minister pursuant to this Act relating to the construction or improvement of a forest road ;

(3) every person who destroys or damages a road in a forest environment on lands in the domain of the State.

"**183.** Every person who fails to comply with a restriction or prohibition concerning access to a forest road imposed by the Minister pursuant to the second paragraph of section 33, or who contravenes section 34, is guilty of an offence and is liable to a fine of $600 to $6,000.

"**184.** Every holder of a management permit issued for the cultivation and operation of a sugar bush who fails to submit a report of activities to the Minister within the time fixed in section 16.1 or, where applicable, the sworn statement referred to in section 16.1.1, is guilty of an offence and is liable to a minimum fine of $800.

The following persons are guilty of an offence and are liable to a minimum fine of $1,000 :

(1) every holder of a timber supply and forest management agreement or of a forest management agreement who fails to submit to the Minister, within the time fixed in section 51, the document or report that is to be submitted under the second paragraph of section 59.2 ;

(2) every holder of such an agreement who fails to submit modifications to a general forest management plan to the Minister for approval within the time fixed by the Minister under section 59.6 or the second paragraph of section 59.7 ;

(3) every holder of such an agreement, or of an accreditation under section 92.0.3, who fails to submit modifications to an annual forest management plan to the Minister for approval within the time fixed by the Minister under the third paragraph of section 59.7 ;

(4) every holder of such an agreement or accreditation who fails to submit modifications to an annual forest management plan to the Minister for approval within the time fixed by the Minister under section 92.0.6 ;

(5) every holder of a forest management agreement or forest management contract, and every holder of an accreditation under section 92.0.3 or of a

management permit issued under section 92.0.11 who fails to submit an annual report of activities under that section to the Minister within the time fixed in section 70;

(6) every holder of a forest management agreement or forest management contract who fails to submit a sworn annual statement to the Minister within the time fixed in section 84.5 or 104.4.

"**185.** The following persons are guilty of an offence and are liable to a fine of $500 to $50,000:

(1) every person who fails to comply with a prohibition or restriction governing access to or travel in a forest imposed by the Minister pursuant to section 134, or who contravenes a measure prescribed by the Minister pursuant to that section;

(2) every person who contravenes the first paragraph of section 135 or fails to comply with the precautions determined by the fire-ranger when issuing a permit;

(3) every person who contravenes one of the provisions of paragraph 1 or 2 of section 136 or of section 137 or 138;

(4) every person who operates an industrial or household waste disposal site in or near the forest and who fails to comply with the first paragraph of section 139;

(5) every owner or operator of a waste disposal site referred to in paragraph 4 who refuses to comply with an order given by the fire-ranger pursuant to the second paragraph of section 139, or who contravenes section 140;

(6) every person referred to in section 141 or 142 who fails to comply with the safety standards prescribed under subparagraph 13 of the first paragraph of section 172 for the prevention and extinction of forest fires;

(7) every person referred to in section 143 who fails to inform the forest fire protection organization of the person's intention to carry on work or cause work to be carried on in the forest, or who fails to obtain from that organization the forest protection plan referred to in that section;

(8) every holder of a management permit who uses fire as a sylvicultural treatment and contravenes section 144.

"**186.** Every person who sells or uses seedlings for purposes other than ornamental purposes before the certificate referred to in section 150 has been issued for those seedlings, or who contravenes one of the provisions of section 151 or 152 is guilty of an offence and is liable to a fine of $200 to $5,000.

“**186.1.** Every person who ships outside Québec incompletely processed timber from land in the public domain in Québec without authorization in the form of an order under section 161, or who contravenes a provision of the order, is guilty of an offence and is liable to a fine of $2,450 to $6,075 in the case of a natural person and $7,300 to $18,225 in the case of a legal person, and, for a second or subsequent offence, to a fine of $12,150 to $60,700 in the case of a natural person and $36,425 to $182,100 in the case of a legal person.

“**186.2.** Every person who contravenes one of the provisions of the first paragraph of section 162 or section 164, and every wood processing plant operating permit holder who contravenes section 169, is guilty of an offence and is liable to a fine of $200 to $1,000 from the thirtieth day following the date on which a notice is sent to the offender by an authorized representative of the Minister ordering the offender to comply with the applicable provisions.

“**186.3.** Every person who contravenes a forest management standard prescribed under subparagraph 1 or 8 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of $5 to $450 for each tree the person cut or failed to cut in contravention of the applicable standard.

However, where the forest management standard is a standard relating to the salvage of a volume of useful ligneous matter, the offender is liable to a fine of $40 to $200 for each cubic metre of timber the person fails to salvage, in contravention of the applicable standard.

Every person who contravenes a forest management standard concerning a matter referred to in subparagraph 1 or 8 of the first paragraph of section 171, whose application is imposed by the Minister pursuant to section 25.2, is guilty of an offence and is liable to a fine of $10 to $900 for each tree the person cut or failed to cut in contravention of the applicable standard or, in the case referred to in the second paragraph, to a fine of $80 to $400 for each cubic metre of timber the person fails to salvage, in contravention of the applicable standard.

“**186.4.** Every person who contravenes a forest management standard prescribed under one of subparagraphs 3 to 6 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of $1,000 to $40,000.

Every person who contravenes a forest management standard concerning a matter referred to in one of subparagraphs 3 to 6 of the first paragraph of section 171 whose application is imposed by the Minister pursuant to section 25.2 is guilty of an offence and is liable to a fine of $2,000 to $80,000.

“**186.5.** Every person who contravenes a forest management standard prescribed under subparagraph 9 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of $1,000 to $5,000 for each hectare or part of a hectare affected by the offence or that falls above or below the applicable standard.

Every person who contravenes a forest management standard concerning a matter referred to in subparagraph 9 of the first paragraph of section 171 whose application is imposed by the Minister pursuant to section 25.2 is guilty of an offence and is liable to a fine of $2,000 to $10,000 per hectare or part of a hectare affected by the offence or that falls above or below the applicable standard.

"**186.6.** Every person who contravenes section 205 is guilty of an offence and is liable to a fine of $1,000 to $10,000.

"**186.7.** The following persons are guilty of an offence and are liable to a fine of $5,000 to $25,000:

(1) every holder of a management permit issued for the cultivation and operation of a sugar bush who submits to the Minister a report of activities under section 16.1 or a sworn statement under section 16.1.1 which contains an entry which the holder knows to be false or misleading;

(2) every holder of a timber supply and forest management agreement, forest management agreement, accreditation under section 92.0.3 or forest management contract who submits an annual management plan or accompanying forest inventory data to the Minister which contains an entry which the holder knows to be false or misleading;

(3) every holder of such an agreement, accreditation or contract who provides the Minister with any information, research or survey referred to in section 59.10 which contains an entry which the holder knows to be false or misleading;

(4) every holder of such an agreement, accreditation or contract, and every holder of a management permit issued under section 92.0.12 who submits an annual report of activities to the Minister under section 70 which contains an entry which the holder knows to be false or misleading;

(5) every holder of a forest management agreement or forest management contract who provides the Minister with a sworn annual statement under section 84.5 or 104.4 which contains an entry which the holder knows to be false or misleading.

The following persons are also guilty of an offence and are liable to a fine of $500 to $25,000:

(1) every person who makes false or misleading statements or false representations in order to obtain a management permit or a wood processing plant operating permit;

(2) every person producing seedlings for purposes other than ornamental purposes who provides the Minister with a detailed annual inventory of seedlings under section 155 which contains an entry which the person knows to be false or misleading;

(3) every person referred to in section 167 who makes a statement which the person knows to be false or misleading concerning the provenance of any timber in the person's possession;

(4) every holder of a wood processing plant operating permit who provides the Minister with a copy of the register referred to in section 168 or provides the Minister with information under section 169 which contains an entry which the holder knows to be false or misleading.

"**186.8.** The following persons are guilty of an offence and are liable to a fine of $500 to $5,000:

(1) every person who hinders the work of an inspector referred to in section 70.1 or 169.1 in the performance of the inspector's functions, refuses to provide the inspector with any information or document the inspector may require under those sections, provides the inspector with any information or document the person knows to be false or misleading, or refuses to provide the inspector with reasonable assistance during a verification;

(2) every person who hinders the work of a representative of a forest fire protection organization in the performance of the representative's functions;

(3) every person who contravenes a provision of section 156 or refuses to comply with an order given by the inspector in the performance of the inspector's functions;

(4) every person who hinders the work of an employee of the department designated by the Minister pursuant to section 187 or 197 in the performance of the employee's functions.

"**186.9.** Every person who contravenes a regulatory provision the contravention of which constitutes an offence pursuant to a regulation made under section 172 is liable, as specified in the regulation, to a fine of

(1) $200 to $1,000;

(2) $500 to $2,000;

(3) $1,000 to $5,000.

"**186.10.** Where an offence referred to in this chapter is committed in a forest ecosystem that is classified by the Minister as an exceptional forest ecosystem, the prescribed fine shall be doubled.

The fines prescribed in this chapter shall also be doubled in the case of a second or subsequent offence, except the fines prescribed in section 186.1.

"**186.11.** Where a person is convicted of an offence under paragraph 1 of section 173, section 175 or section 176, paragraph 1 of section 177, section

181 or section 186.3, the person may not be sentenced to a fine of less than $200, notwithstanding the fines prescribed in those sections.

"**186.12.** In determining the amount of a fine, the court shall take into account, in particular,

(1) the gravity of the damage resulting from the commission of the offence;

(2) the degree of fragility of the forest environment or the resources affected by the commission of the offence;

(3) the monetary gain and other advantages derived from the commission of the offence by the offender.

"**186.13.** In addition to any other penalty imposed on an offender, a judge may order that the offender, on the conditions and within the time fixed by the judge,

(1) reforest, at the offender's expense, the site concerned, where the offender is convicted of an offence under one of the provisions of sections 173 to 177;

(2) remove, at the offender's expense, the slash dumped into the lake or watercourse concerned, where the offender has contravened one of the provisions of section 28.1 and is convicted of the offence;

(3) restore, at the offender's expense, the site concerned, or take the corrective measures considered necessary, where the offender is convicted of an offence under one of the provisions of section 182 or section 186.4.

No order may be made unless the prosecutor has forwarded prior notice of the application for an order to the defendant, except if the latter is before the judge.

"**186.14.** Every officer, director or representative of an enterprise or legal person who fails to take reasonable steps, given the circumstances, to prevent or forestall the commission of an offence, or who orders, authorizes, consents to or takes part in an offence is guilty of an offence and is liable to the penalty prescribed for the offence, whether or not the enterprise or legal person is prosecuted or convicted.

The same applies to any person who employs or retains the services of another person or of an enterprise to carry out activities governed by this Act.

"**186.15.** Subject to the second paragraph, all penal proceedings must be instituted within three years of the commission of the offence.

Penal proceedings instituted under a provision of section 186.7 must be instituted within two years from the date of the opening of the inquiry leading to the proceedings. However, no penal proceedings may be instituted if more than five years have elapsed since the date of commission of the offence.

A statement by the Minister as to the day on which the inquiry was opened constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which it commenced."

123. Section 192 of the said Act is amended

(1) by inserting the following paragraph after the first paragraph:

"Any timber seized may be sold with authorization from a judge, except in the case referred to in section 188, if the employee shows that over 7 days have elapsed since a notice was left on the premises pursuant to section 190 and that, since that time, no person has laid claim to the timber seized.";

(2) by replacing "of the application" in the first line of the second paragraph by "an application under the first paragraph".

124. Section 193 of the said Act is amended

(1) by replacing "may be detained for 90 days" in the first line by "or the proceeds from the sale thereof may be retained for 120 days";

(2) by adding the following paragraph:

"However, the employee may apply to a judge for an extension of the detention period of up to 90 days, or to obtain any other extension in accordance with the procedure set out in article 133 of the Code of Penal Procedure (chapter C-25.1)."

125. The said Act is amended by inserting the following section after section 198:

"**198.1.** Notwithstanding article 132 of the Code of Penal Procedure, the period during which seized timber or the proceeds of the sale thereof is detained shall be 120 days from the date of seizure.

The employee may, before the expiry of that period, apply to a judge for an extension of the detention period of up to 90 days."

126. Section 203 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

"**203.** Timber cut in contravention of a provision of this Act or the regulations under it that has been seized pursuant to the provisions of Chapter II of Title VI of this Act is, when the offender pleads guilty to or is found guilty of the offence, confiscated by the Minister."

127. Section 209 of the said Act is replaced by the following section:

“**209.** In order to promote forest conservation and development, the month of May of each year shall be “Forest Conservation Month”.”

128. Section 211 of the said Act is replaced by the following section:

“**211.** In order to foster the participation of persons and bodies concerned by the development of the main orientations concerning the forest environment, the Minister shall prepare, propose to the Government and implement throughout Québec and at the regional level a consultation policy on priorities for the management and development of the forest environment.

The policy shall include a special procedure for the consultation of Native communities.”

129. The said Act is amended by inserting the following section after section 211:

“**211.1.** The Minister is responsible for promoting the development and implementation of measures designed to facilitate the comprehension of the content of the plans and reports that must be filed under this Act.”

130. Section 212 of the said Act is amended by adding the following paragraph at the end:

“The report must focus, in particular, on the management of forest resources in the domain of the State and the results of that management, and must contain information on the implementation of the programs for the development of forest resources in the domain of the State referred to in section 17.13 of the Act respecting the Ministère des Ressources naturelles (chapter M-25.2), specifying the objectives of the programs, the results targeted and the results obtained.”

AMENDING PROVISIONS

CITIES AND TOWNS ACT

131. The heading of subdivision 1.1 of Division IV of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting “*or forest resources*” after “*lands*”.

132. Section 29.14 of the said Act is amended

(1) by inserting “or of forest resources” after “land” in the first line of subparagraph 4 of the second paragraph;

(2) by adding “or under section 171, 171.1 or 172 of the Forest Act (chapter F-4.1)” at the end of subparagraph 5 of the second paragraph.

133. Section 29.14.2 of the said Act is amended by inserting "or under section 25.1 of the Forest Act (chapter F-4.1)" after "(chapter T-8.1)" in the third line.

134. Section 29.18 of the said Act is amended

(1) by inserting "or of forest resources" after "land" in the third line of the first paragraph;

(2) by adding "or the costs relating to the management of forest resources in the domain of the State or a forest management contract, excepting any expenditure on forest management" at the end of the third paragraph.

135. Section 466.1.1 of the said Act is amended by replacing "development operations on land in the domain of the State or private land situated in its territory" in the fifth line by "operations to develop lands or forest resources in the domain of the State or private lands or forest resources".

MUNICIPAL CODE OF QUÉBEC

136. Article 14.12 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by inserting "or of forest resources" after "land" in the first line of subparagraph 4 of the second paragraph;

(2) by adding "or under section 171, 171.1 or 172 of the Forest Act (chapter F-4.1)" at the end of subparagraph 5 of the second paragraph.

137. Article 14.12.2 of the said Code is amended by inserting "or under section 25.1 of the Forest Act (chapter F-4.1)" after "(chapter T-8.1)" in the third line.

138. Article 14.16 of the said Code is amended

(1) by inserting "or of forest resources" after "land" in the third line of the first paragraph;

(2) by adding "or the costs relating to the management of forest resources in the domain of the State or a forest management contract, excepting any expenditure on forest management" at the end of the third paragraph.

139. Article 627.1.1 of the said Code is amended by replacing "development operations on land in the domain of the State or private land situated in its territory" in the fifth and sixth lines by "operations to develop lands or forest resources in the domain of the State or private lands or forest resources".

140. Article 688.7 of the said Code is amended by replacing "lands in the domain of the State or private lands" in the third line by "lands or forest resources in the domain of the State or private lands or forest resources".

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

141. Section 36.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by striking out "in the territory of a forest educative centre or" in the first and second lines.

ACT RESPECTING MUNICIPAL TAXATION

142. Section 220.3 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing "referred to in paragraph 3 of section 123" in the third line of the first paragraph by "referred to in section 122".

MINING ACT

143. Section 32 of the Mining Act (R.S.Q., chapter M-13.1), amended by section 11 of chapter 24 of the statutes of 1998, is again amended by adding "or the preservation of an exceptional forest ecosystem classified by the Minister under section 24.4 of the Forest Act (R.S.Q., chapter F-4.1)" at the end of paragraph 5.

144. Section 155 of the said Act, amended by section 70 of chapter 24 of the statutes of 1998, is again amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) a forest road within the meaning of section 31 of the Forest Act (chapter F-4.1) by the holder of a management permit issued under section 85 or 104.2 of the said Act;".

145. Section 213 of the said Act is amended by adding the following paragraph at the end:

"Notwithstanding the foregoing, in any area classified as an exceptional forest ecosystem in accordance with section 24.4 of the Forest Act (chapter F-4.1), the holder of the mining right must follow the rules set forth in that Act."

146. Section 213.1 of the said Act is amended by replacing "pay the dues prescribed by the minister responsible for the administration of the Forest Act (chapter F-4.1)" in the second and third lines of the first paragraph by "scale the harvested timber in accordance with section 26 of the Forest Act and pay the duties prescribed by the minister responsible for the administration of that Act".

147. Section 213.2 of the said Act is amended by adding "or the preservation of an exceptional forest ecosystem classified by the Minister" at the end.

148. Section 232 of the said Act is amended by replacing "or plant-life or wildlife conservation," in the fifth line of the first paragraph by ", plant-life or wildlife conservation or the preservation of an exceptional forest ecosystem classified by the Minister".

149. Section 304 of the said Act is amended

(1) by adding, at the end of subparagraph 1 of the first paragraph,

" — classification as an exceptional forest ecosystem under section 24.4 of the Forest Act;";

(2) by replacing "or plant-life or wildlife conservation" in subparagraph 1.1 of the first paragraph by ", plant-life or wildlife conservation or the preservation of an exceptional forest ecosystem classified by the Minister".

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES

150. Section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is amended by inserting "or forest resources" after "lands" in the third line.

151. Section 17.14 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

"The Minister may, for the same purposes, in addition to exercising in respect of a forest in the domain of the State that is covered by a program all the powers devolving on the Minister under the Forest Act (chapter F-4.1), apply any measure the Minister considers necessary for the purpose of fostering sustainable forest development, including a measure granting, for that purpose, any right other than a right under that Act to a legal person the Minister designates. The rights so granted may not, however, limit the rights previously granted on the forest lands.

The Minister may, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, entrust the management of any land in the domain of the State that is under the Minister's authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person, or entrust the management of the management permits for the harvest of firewood for domestic or commercial purposes, in a management unit, to a municipality; such legal person or municipality may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program. The program shall identify, among the provisions of the Act respecting the lands in the public domain (chapter T-8.1) or among those of Divisions I and II of

Chapter II of Title I of the Forest Act as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that chapter or of Division II of Chapter IV of Title I or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person.

Where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the public domain or in sections 171, 171.1 and 172 of the Forest Act, those that may be exercised by the municipality by means of regulations."

152. Section 17.15 of the said Act is amended

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

"**17.15.** The Minister may, to the extent specified in a program, exempt land and property made subject by the Minister to a program from the application of all or part of the Act respecting the lands in the public domain (chapter T-8.1), or exempt a forest in the domain of the State made subject by the Minister to a program from the application of all or part of the Forest Act (chapter F-4.1).";

(2) by adding "or the Forest Act" at the end of the second paragraph.

153. Section 17.16 of the said Act is amended by adding the following paragraph after the second paragraph:

"This section does not apply to a program for the development of forest resources in the domain of the State."

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

154. Section 97 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by adding the following paragraph:

"Where an application for a permit referred to in section 14.1 of the Forest Act (chapter F-4.1) concerns a management activity referred to in section 27 of this Act, the permit may be issued only if the authorization required by that latter section has been given by the commission."

ENVIRONMENT QUALITY ACT

155. Section 144 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by inserting "or finalizing" after "approving" in the second line;

(2) by striking out "and five-year" in the second line.

156. Section 178 of the said Act is amended

(1) by inserting "or finalizing" after "approving" in the second line;

(2) by striking out "and five-year" in the second line.

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

157. Section 90 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended

(1) by inserting "or forest management agreement" after "agreement" in the second line of the second paragraph;

(2) by replacing "59" in the fourth line of the second paragraph by "59.11".

OTHER AMENDMENTS

158. Section 17 of the Act to amend the Forest Act (1997, chapter 33) is repealed.

159. From 1 April 2005, in all regulations, orders in council, orders, proclamations, ordinances, contracts, agreements, understandings and other documents, unless otherwise required by the context, a reference to a common area is a reference to a forest management unit delimited in accordance with section 35.2 of the Forest Act, introduced by section 30 of this Act.

PROVISIONAL REGIME APPLICABLE TO TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS

160. The provisions of the provisional regime apply to forest management activities carried out before 1 April 2005 by the holders of timber supply and forest management agreements.

161. The planning of forest management activities shall be governed by the legislative and regulatory provisions in force on 31 August 2002, subject to the following provisions. The same applies to the annual report relating to such activities.

162. The general forest management plans in force on 31 March 2004 shall expire on 1 April 2005, and shall not require updating.

163. The period covered by five-year forest management plans submitted to the Minister for approval after (*insert here the date of coming into force of this section*) need not extend beyond 1 April 2005.

164. In order to ensure that the interests and concerns of other users of land in a common area are taken into account, and to prevent disputes concerning the carrying out of forest management activities, agreement holders must invite the following persons and bodies to take part in the preparation of the five-year plan:

(1) regional county municipalities and, where applicable, the urban community whose territories contain part of the common area concerned;

(2) the Native communities concerned, represented by their band council;

(3) every person or body that, for the common area concerned, in accordance with the Act respecting the conservation and development of wildlife (chapter C-61.1), has entered into an agreement for the management of a controlled zone, is authorized to organize activities or provide services in a wildlife preserve, or holds an outfitter's licence;

(4) every holder of a sugar bush management permit for an area intended for forest production within a management unit and every holder of a lease of land intended for agricultural purposes within the common area.

The agreement holder may also issue invitations to any other person, organization or body to take part in the preparation of the plan.

165. The agreement holder shall transmit to the Minister, with the five-year plan, a report identifying the persons or bodies invited to participate in preparing the plan and those that actually participated in the preparation of the plan, describing the participation process and stating, where applicable, the points on which the proposals of the participants and the provisions of the plan diverged.

The agreement holder shall transmit a copy of the report to the participants.

166. The provisions of section 58.1 of the Forest Act apply to the report referred to in section 165 of this Act, and the provisions of section 58.3 of the Forest Act apply to a dispute between an agreement holder and a participant.

167. The provisions of sections 164 to 166 apply to five-year plans and modifications to those plans submitted to the Minister for approval after (*insert here the date of coming into force of this section*).

168. The new provisions of sections 25.2 to 25.3.1 of the Forest Act apply to five-year plans and the modifications to such plans.

169. Annual plans submitted to the Minister for approval after (*insert here the date of coming into force of this section*) must be accompanied by a compilation and analysis of forest inventory data which, in the opinion of the Minister, allow the pertinence of the sylvicultural treatments carried out during the year to be validated.

170. Every agreement shall include an undertaking by the holder

(1) to evaluate the quality of the sylvicultural treatments carried out using the method specified in the Minister's instructions regarding the application of the ministerial order concerning the value of the sylvicultural treatments admitted as payment of dues;

(2) to evaluate, using the method specified in the forest management manual, the state of the forest stands resulting from the sylvicultural treatments carried out by the holder, in order to determine their ability to achieve the expected results;

(3) to evaluate, using the method specified in the Minister's instructions concerning the inventory of ligneous matter, the volume of ligneous matter left on the harvest site;

(4) to apply the remedial program referred to in section 171.

Notwithstanding the first paragraph, an agreement holder may, with the authorization of and on the conditions determined by the Minister, carry out an evaluation using any other method of equal or superior effectiveness.

The sampling units and sample design used in an evaluation method must be submitted to the Minister for approval.

171. After observing that the substitution measures authorized pursuant to section 25.3 have failed to achieve the results set out in the general forest management plan, the Minister may require the holder of an agreement concerning the common area to submit a remedial program, on the conditions and within the time fixed by the Minister, containing measures to ensure that the results are achieved.

The Minister shall approve the program with or without modifications. The Minister may finalize the program if the agreement holder fails to submit a program within the time fixed under the first paragraph; the agreement holder is bound to reimburse the Minister for the costs incurred in finalizing the program.

172. The Minister may, where an agreement holder fails to perform a contractual obligation referred to in section 170, perform the obligation at the expense of the agreement holder.

173. The annual report submitted to the Minister by an agreement holder after (*insert here the date of coming into force of this section*) must include the result of the evaluations referred to in section 170.

174. The information contained in a general, five-year or annual plan, or in the remedial program referred to in section 171, that is approved by the Minister after (*insert here the date of coming into force of this section*), and the information contained in the report referred to in section 165 and the annual report submitted to the Minister after that date may be consulted.

PROVISIONAL REGIME APPLICABLE TO FOREST MANAGEMENT AGREEMENTS AND FOREST MANAGEMENT CONTRACTS

175. The planning of forest management activities prior to 1 April 2005 under a forest management agreement is subject to the rules governing timber supply and forest management agreements during the same period, as if the agreement were a timber supply and forest management agreement.

176. The provisions of sections 73.4 to 73.6 concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after (*insert here the date preceding the date of coming into force of this section*).

An agreement or contract may provide for the application of any provision of Chapter III of Title I of the Forest Act, and of any provision of sections 170 to 174 of this Act.

IMPLEMENTATION OF FOREST MANAGEMENT ACTIVITIES ON THE BASIS OF NEW MANAGEMENT UNITS

177. For the establishment of the first general forest management plan for a new management unit delimited by the Minister pursuant to section 35.2 of the Forest Act and the related consultations, every holder of a current timber supply and forest management agreement or forest management agreement concerning an area containing all or part of the new unit is deemed to be the holder of an agreement concerning that unit.

The Minister shall prepare and send the report referred to in paragraph 8 of the new section 52 of the Forest Act to the holder of the forest management agreement, to allow it to be integrated into the general plan.

178. Once the first general plan for a new unit has been approved or established by the Minister, the Minister shall revise the territory covered by current agreements and the volumes of timber allocated, applying the new provisions of sections 77 to 77.3 of the Forest Act governing the five-year

revision of agreements and, in the case of a forest management agreement, the provisions of section 84.6 of that Act.

For that purpose, the presumption set out in section 177 is applicable to the percentage of the volume of timber, by species or group of species, that is allocated under the current agreement for the common area.

Where areas intended for forest production are withdrawn in the circumstances described in the new section 35.15 of the Forest Act, the new sections 77.4 and 77.5 of that Act shall apply. The same rule applies where areas are withdrawn following the establishment of the northern limit.

179. The Minister, after approving the annual management plan for a new unit, shall issue management permits under the new provisions of sections 85 and 86 of the Forest Act.

180. On 1 April 2005, the term of every agreement shall be extended by the length of time corresponding to the time elapsed since its last five-year extension or, if the agreement was granted less than five years previously, since the date on which it took effect, provided that the agreement holder has complied during the period concerned with the obligations imposed by this Act and the Forest Act.

181. The Minister shall update the acts evidencing agreements to take into account the revision of the areas and allocated volumes, the extension of their term, where applicable, and the other rules provided for by this Act by which they will be governed on 1 April 2005.

OTHER TRANSITIONAL PROVISIONS

182. For the purposes of the provisions of the Forest Act introduced by this Act in respect of forest management activities prior to 1 April 2005, a reference to a forest management unit is a reference to a common area, a reference to a plan for a management unit is a reference to the plan prepared by an agreement holder, a reference to the annual yields assigned to a unit is a reference to the annual yields provided for in an agreement and a reference to the annual yields assigned to a unit is a reference to the annual yields under the agreements.

183. The Minister may withdraw from a management unit an area used in calculating the annual allowable cut to take into account the classification of an exceptional forest ecosystem or a change in the boundaries of a classified ecosystem taking effect before 1 April 2005 ; the provisions of section 50 of the Forest Act shall apply.

The Minister may, as an exceptional measure, so modify the areas intended for forest production to take into account the issue of a permit for the cultivation and operation of a sugar bush or to take into account an agricultural activity.

184. The provisions of this Act apply to an agreement in force on the date of their coming into force.

However, the provisions introduced by sections 80 to 82 and 84 of this Act do not apply to current auxiliary timber supply guarantee agreements.

In addition, an agreement entered into under section 170.1 of the Forest Act before (*insert here the date of coming into force of section 115*) is renewable on the conditions that are applicable before that date.

185. Section 181 of the Forest Act (R.S.Q., chapter F-4.1), as it existed prior to (*insert here the date of coming into force of section 122 of this Act*), continues to apply in respect of offences under the regulatory provisions indicated pursuant to paragraph 19 of section 172 of that Act which were committed before (*insert here the date of coming into force of section 186.9, enacted by section 122 of this Act*).

186. No provision of this Act shall affect the existence of the sureties resulting from transfers of rights made pursuant to section 39 of the Forest Act.

The sureties shall affect the rights arising from the changes made with no further formalities and without requiring new entries in the public registers.

187. Any preparatory measure required to give effect to the new provisions upon their coming into force may be validly taken, including the holding of consultations and the issue of authorizations.

188. The Government may, by regulation, enact any other provision required for the carrying out of this Act.

A regulation made under this section may, once published and if it so provides, apply from any date not prior to the date of coming into force of the provision concerned.

Such a regulation must, however, be made no later than three years after the date of coming into force of the provision concerned.

189. The provisions of this Act come into force not later than 1 April 2005, on the date or dates to be fixed by the Government.

However, the following provisions come into force on the date fixed for each provision and will apply to forest management activities carried out after 31 March 2005 :

(1) section 30, on 1 September 2002 ;

(2) sections 42 to 46, 62 and 63, paragraphs 2 and 3 of section 70, section 71, to the extent that it enacts section 84.8, section 78, to the extent that it enacts sections 92.0.5 and 92.0.6, paragraph 5 of section 119, section 122,

to the extent that it enacts the second paragraph of section 184, sections 155 and 156, paragraph 2 of section 157 and sections 177 to 181, on 31 March 2004 ;

(3) sections 2, 32, 33, section 35, to the extent that it enacts section 43.1, sections 36, 38 to 41, 47, 50, 51, paragraph 1 of section 56 and sections 72 and 73, on 1 April 2005 ;

(4) section 52, on 31 August 2006.

In addition, the provisions of section 103 come into force on 23 May 2001.

Coming into force of Acts

Gouvernement du Québec

O.C. 683-2001, 6 June 2001

Charter of the French Language Act (2000, c. 57) — Coming into force

COMING INTO FORCE of the Act to amend the Charter of the French Language Act

WHEREAS the Act to amend the Charter of the French Language Act (2000, c. 57) was assented to on 20 December 2000;

WHEREAS section 16 of the Act provides that its provisions come into force on the date, or dates fixed by the Government;

WHEREAS it is expedient to fix 18 June 2001 as the date of coming into force of the provisions the Act, except for the words, "Cree School Board, Kativik School Board" in section 29.1 enacted by paragraph 1 of section 6 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Culture and Communications, Minister of Culture and Communications and Minister responsible for the Charter of the French Language:

THAT the Act to amend the Charter of the French Language (2000, c. 57), come into force on 18 June 2001, except for the words, "Cree School Board, Kativik School Board" in section 29.1 enacted by paragraph 1 of section 6 of the Act.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4323

Gouvernement du Québec

O.C. 690-2001, 6 June 2001

An Act respecting financial services cooperatives (2000, c. 29) — Coming into force

COMING INTO FORCE of the Act respecting financial services cooperatives

WHEREAS the Act respecting financial services cooperatives (2000, c. 29) was assented to on 16 June 2000;

WHEREAS under section 731 of the Act, its provisions come into force on the date or dates to be fixed by the Government, except the provisions of sections 684, 694, 699, 702 and 703, the second paragraph of section 712 and sections 718, 724 and 729 which came into force on 16 June 2000;

WHEREAS under Order in Council 1177-2000 dated 4 October 2000, the date of coming into force of sections 641 and 642 of the Act was fixed at 4 October 2000;

WHEREAS under the second paragraph of section 731 of the Act, every order made under that section shall indicate the provisions of the Savings and Credit Unions Act (R.S.Q., c. C-4.1) that are replaced by the provisions of the Act respecting financial services cooperatives as brought into force by the order;

WHEREAS it is expedient to fix 1 July 2001 as the date of coming into force of the provisions of the Act that are not already in force;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT 1 July 2001 be fixed as the date of coming into force of the provisions of the Act respecting financial services cooperatives (2000, c. 29) that are not already in force;

THAT the Act respecting financial services cooperatives replace on that date all the provisions of the Savings and Credit Unions Act.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4322

Regulations and other acts

Gouvernement du Québec

O.C. 647-2001, 30 May 2001

Environment Quality Act
(R.S.Q., c. Q-2)

Quality of drinking water

Regulation respecting the quality of drinking water

WHEREAS under paragraphs *e*, *h*.1 and *h*.2 of section 31, section 45, paragraph *a* of section 45.2, paragraphs *a*, *b*, *d*, *m*, *o*, *o*.1 and *o*.2 of section 46, paragraphs *a* and *b* of section 87 and sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), amended by chapter 75 of the Statutes of 1999, the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2000 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments considering the comments received following its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the quality of drinking water, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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SCHEDULE 1

STANDARDS OF QUALITY OF DRINKING WATER

SCHEDULE 2

ORGANIC SUBSTANCES (section 19)

Regulation respecting the quality of drinking water

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. e, *h*.1 and *h*.2, ss. 45, 45.2, par. *a*, s. 46, pars. *a*, *b*, *d*, *m*, *o*, *o*.1 and *o*.2, s. 87, pars. *a* and *b*, ss. 109.1and 124.1)

CHAPTER I
GENERAL

1. For the purposes of this Regulation,

(1) "enterprise" means any establishment where a commercial, industrial, agricultural, professional or institutional activity is carried on, excluding educational institutions, houses of detention, health and social services institutions and tourist establishments;

(2) "educational institution" means any institution providing preschool, elementary or secondary education and governed by the Education Act (R.S.Q., c. I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), a private educational institution governed by the Act respecting private education (R.S.Q., c. E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly. For the purposes of this Regulation, childcare centres, day care centres, stop-over centres and nursery schools governed by the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2) are deemed to be educational institutions;

(3) "house of detention" means any establishment used for the detention of persons and governed by the Act respecting correctional services (R.S.Q., c. S-4.01);

(4) "health and social services institution" means any health and social services institution governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5). For the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned acts is also a health and social services institution;

(5) "tourist establishment" means any establishment which offers to the public, in return for payment, sleeping accommodations, restaurant services or camping sites. For the purposes of this Regulation, tourist information offices, rest areas and leisure establishments open to the public are deemed to be tourist establishments;

(6) "person in charge of a distribution system" means the owner or operator of a system; and

(7) "distribution system" means mains or a system of mains used for supplying drinking water to human beings. In the case of an immovable connected to a waterworks system, any mains supplying that immovable and located downstream from the shut-off valve serving the immovable shall be excluded.

2. The provisions of this Regulation do not apply to water whose use or distribution is governed by the Food Products Act (R.S.Q., c. P-29).

3. Drinking water must, where it is put at the disposal of a user, comply with the standards of quality defined in Schedule 1.

CHAPTER II
FILTRATION AND DISINFECTION

4. The provisions of this Chapter do not apply to a distribution system that supplies only:

(1) one residence;

(2) one or several enterprises;

(3) one residence and one or several enterprises.

5. Water supplied by a distribution system must have undergone, before being supplied, a continuous filtration and disinfection treatment if it comes in whole or in part from surface water or from groundwater whose microbiological quality is likely to be altered by surface water because of the non-permeability of collection or storage facilities.

The treatment prescribed by this section must be able to eliminate at least 99.99% of viruses, 99.9% of *Giardia* cysts and 99% of *Cryptosporidium* oocysts.

Notwithstanding the foregoing, the filtration treatment is not mandatory where raw water that supplies the distribution system meets the following conditions:

(1) its turbidity is lower than or equal to 5 NTU (nephelometric turbidity unit), subject to the provisions of subparagraph 2 below;

(2) during at least 90 consecutive days, one sample of water per week is collected and, in at least 90% of those samples,

— the turbidity of water is lower than 1 NTU;

— its content in total organic carbon is lower than or equal to 3 mg/L; and

— less than 20 fecal coliform bacteria and less than 100 total coliforms per 100 millilitres of water collected are counted;

(3) the quality of that water is not likely to be altered by contaminants from wastewater collection or treatment systems, or from agricultural activities such as the storing or spreading of livestock waste.

6. Any continuous disinfection treatment facility of water supplied by a distribution system must, if it comes from groundwater, be able to eliminate at least 99.99% of viruses.

7. Water supplied by a distribution system must, if it comes from groundwater for which the analyses carried out pursuant to section 13 or 39 revealed the presence of fecal contamination, have undergone, before being supplied, a continuous disinfection treatment.

8. Where the water supplied by a distribution system is continuously chlorinated, it shall, at the outlet of the treatment facility or, where that facility has a disinfected water reservoir, at the outlet of that reservoir, have a content of free residual chlorine of at least 0.3 mg/L.

If disinfection is carried out by means of a process other than chlorination, that process shall, under the same conditions, provide a residual disinfection potential at least equivalent to that which would be obtained by chlorination.

The provisions of this section do not apply to a distribution system that supplies only one building.

9. Any distribution system that supplies disinfected water must be equipped with standby equipment to ensure disinfection in case of emergency, particularly if the main treatment facility breaks down.

CHAPTER III
QUALITY CONTROL OF DRINKING WATER

DIVISION I
WATER SUPPLIED BY DISTRIBUTION SYSTEMS

10. The provisions of this Division do not apply to a distribution system that supplies 20 persons or less.

They do not apply to a distribution system that supplies only one or several enterprises.

§1. Bacteriological control

11. The person in charge of a distribution system must, for the control of total coliform bacteria and fecal coliform bacteria or *Escherichia coli* bacteria, collect or have samples of the water supplied collected according to the frequency determined in the following table:

Users	Minimum number of samples to collect or to have collected per month
21 to 8000 persons	8
8001 to 100 000 persons	1 per 1000 persons
100 001 persons and more	100 + 1 per group of 10 000 persons exceeding 100 000 persons

The samples to be collected pursuant to the first paragraph must be collected from the tap of different users, after the water has run for at least five minutes on the same day of sampling. In addition, the water thus collected must not have undergone treatment by means of an individual device.

Where possible, those samples shall be spread in equal numbers over each of the weeks in the month.

12. At least 50% of the samples prescribed by section 11 must be collected at the outermost limits of the distribution system and have as its object the analysis of facultatively aerobic or anaerobic heterotrophic bacteria, in addition to total coliform bacteria and fecal coliform bacteria or *Escherichia coli* bacteria.

The provisions of this section do not apply to a distribution system that supplies only one building.

13. Where the water supplied by a distribution system comes in whole or in part from non-disinfected and vulnerable groundwater, the person in charge of the distribution system is also bound, to control *Escherichia coli* bacteria, enterococci bacteria and coliphage viruses, to collect or have at least one sample of raw water that supplies the distribution system collected every month.

For the purposes of this section, groundwater is considered vulnerable where the following conditions are met:

(1) after the assessment according to the DRASTIC method, that groundwater has a vulnerability number greater than 100 within the perimeters of the protected supply area of the collection site, established on the basis of a migration time of groundwater of 550 days for a virological protection and 200 days for a bacteriological protection;

(2) within the aforementioned protection perimeters, there are works or activities likely to alter the microbiological quality of that water.

§2. Physical and chemical control

Control of inorganic substances

14. The person in charge of a distribution system must, for the control of inorganic substances referred to in Schedule 1 (excluding nitrates, chloramines, bromates and antimony), collect or have at least one sample of the water supplied collected annually between July 1st and October 1st.

He must also, for the control of nitrates, collect or have at least one sample of the water supplied collected annually during each of the quarters beginning respectively on January 1st, April 1st, July 1st and October 1st, with a minimum interval of two months between samplings.

15. Where the water supplied by a distribution system is subject to ozonation, the person in charge of the system must, to control bromates, collect or have at least one sample of the water supplied collected annually between July 1st and October 1st.

If the water supplied is disinfected with chloramines, the person in charge of the distribution system must also collect or have at least one sample of the water collected for the purposes of measuring, during the sampling, the concentration of chloramines and enter the results in the analysis report prescribed by the Minister of the Environment.

16. The sampling methods provided for in the second paragraph of section 11 shall apply to the samples prescribed under sections 14 and 15, which must be collected at the central point of the distribution system.

17. For each of the samples collected pursuant to the second paragraph of section 14, the person in charge of the distribution system must, at the time of the sampling, measure the pH of the water and enter the results in the analysis report prescribed by the Minister of the Environment.

Control of organic substances

18. The person in charge of a distribution system that supplies chlorinated water must, for the control of trihalomethanes referred to in Schedule 1, collect or have at least one sample of the water supplied collected annually, during each of the quarters beginning respectively on January 1st, April 1st, July 1st and October 1st, with a minimum interval of two months between samplings.

Notwithstanding the preceding paragraph, if the aforementioned system supplies only a tourist establishment, a health and social services institution, an educational institution or a house of detention, the person in charge of the system is bound to make only one sampling of the water supplied per year, between July 1st and October 1st to control trihalomethanes.

19. The person in charge of a distribution system that supplies more than 5 000 persons must, for the control of organic substances referred to in Schedule 2, collect or have at least one sample of the water supplied collected annually during each of the quarters beginning on January 1st, April 1st, July 1st and October 1st, with a minimum interval of two months between samplings.

20. The sampling methods provided for in the second paragraph of section 11 shall apply to the samples prescribed under sections 18 and 19, which must be collected at the outermost limits of the distribution system.

Control of turbidity

21. The person in charge of a distribution system must, for turbidity control purposes, collect or have at least one sample of the water supplied collected per month.

The sampling methods provided for in the second paragraph of section 11 shall apply to the samples prescribed above, which must be collected at the central point of the distribution system.

§3. Disinfection control

22. Any continuous disinfection treatment facility of the water supplied by a distribution system must be equipped with a continuous measuring device of the free residual disinfectant, installed at the outlet of the facility or, where the facility has a disinfected water reservoir, at the outlet of that reservoir ; the device must be equipped with an alarm system in case of breakdown or defect of the facility or noncompliance with the prescriptions of section 8.

It must also, if the water supplied is subject to an ultraviolet radiation disinfection treatment, be equipped with a safety device designed to indicate any reduction of the intensity of lamps below the required level.

In addition, any disinfection treatment facility that treats water supplied by a distribution system referred to in section 5 must be equipped with a continuous measuring device of the turbidity of the water installed after each filter or, in the absence of filtration, at the outlet of that facility ; the device must be equipped with an alarm system in case of noncompliance with the prescriptions of this Regulation related to turbidity.

The owner or operator of the disinfection treatment facility must enter daily in a register, for each four-hour period, the lowest content of free residual disinfectant measured during that period, a measure of the flow rate of the water as well as, in the case referred to in the third paragraph, a measure of the turbidity. He must also measure daily, and enter in the register, the pH and water temperature in a sample collected at the outlet of the treatment facility or, where the facility has a disinfected water reservoir, at the outlet of that reservoir. The date on which those measures were taken and the names of the persons who took them must also appear in the register. The register shall be preserved and kept at the disposal of the Minister of the Environment for at least five years.

The provisions of the first, third and fourth paragraphs do not apply to a distribution system that supplies only a health and social services institution, an educational institution, a house of detention or a tourist establishment.

23. The person in charge of a distribution system that supplies disinfected water must, during each sampling carried out pursuant to section 11, measure the quantity of free residual disinfectant in a water sample collected for that purpose and enter the result in the analysis report prescribed by the Minister of the Environment.

The provisions of this section do not apply to a distribution system that supplies only one building.

24. Where the analysis of a sample of disinfected water coming from a distribution system referred to in section 5 and collected pursuant to section 21 shows that the turbidity of that water exceeds 0.5 NTU (nephelometric turbidity unit), the person in charge of the distribution system is bound, as soon as he is informed, either

— to check, using the register constituted under section 22, the measures of turbidity carried out during the period of 30 consecutive days that preceded the sampling or, if he is not the owner or operator of the treatment facility, request that the owner or operator do the aforementioned checking which must be done without delay ; or

— to notify the Minister of the Environment of that excess and to check if the disinfection treatment has the effectiveness required by section 5, second paragraph, where he is exempted from the obligations prescribed by the first, third and fourth paragraphs of section 22.

25. Where the analysis of a disinfected water sample coming from a distribution system referred to in section 6 and collected pursuant to section 21 shows that the turbidity of the water exceeds 1 NTU (nephelometric turbidity unit), the person in charge of that system must, as soon as he is informed thereof, notify the Minister of the Environment of that excess and check if the disinfection treatment has the effectiveness required by section 6.

DIVISION II
WATER SUPPLIED BY TANK TRUCK

26. The provisions of Division I are applicable, *mutatis mutandis*, to drinking water supplied by tank truck to more than 20 persons. Thus, the owner or operator of a tank truck is bound by the same obligations as those devolving upon the person in charge of a distribution system under the aforementioned provisions. The samples prescribed by those provisions shall be collected at the outlet of the tank ; section 12 does not apply to the water supplied by tank truck.

27. Drinking water supplied by tank truck must have undergone a chlorination treatment before being put at the disposal of a user.

In addition, the water contained in the tank must at all times have a concentration of free residual chlorine equal to or greater than 0.2 mg/L.

28. The owner or operator of a tank truck who supplies drinking water must, at least once a day, measure the quantity of free residual chlorine in a water sample collected at the outlet of the tank.

In addition, he shall keep an up-to-date register in which the date and results of the measurements prescribed above are entered along with the names of the persons who took them. That data shall be preserved and kept at the disposal of the Minister for a minimum period of five years.

29. The tank of a vehicle used to supply drinking water may not be used to transport other materials likely to contaminate that water.

DIVISION III
METHODS, ANALYSES AND RESULTS

30. The water samples prescribed by the provisions of this Regulation must be collected and preserved in accordance with the methods described in the document entitled Methods for Taking and Preserving Samples for the Application of the Regulation respecting the quality of drinking water and published by the Ministère de l'Environnement.

Anyone who collects or has a water sample collected pursuant to this Regulation must certify that the sampling and preservation of that sample complies with the requirements prescribed under the Regulation. That certification shall be preserved and kept at the disposal of the Minister of the Environment for at least five years.

31. The water samples collected pursuant to subparagraph 2 of the third paragraph of section 5, sections 11 to 14, the first paragraph of section 15, sections 18 to 21, 26, 27, 39, 40 and 42 shall be sent, for analysis purposes, to laboratories accredited by the Minister of the Environment under section 118.6 of the Environment Quality Act. The analysis reports prescribed by the Minister shall also be sent with those samples.

32. The water samples collected pursuant to the second paragraph of section 15, section 17, the fourth paragraph of section 22, section 23 and the first paragraph of section 28 must be analysed in accordance with the methods described in the Standard Methods for the Examination of Water and Wastewater published by the American Water Works Association, the Water Environment Federation and the American Public Health Association.

The person who carries out the analysis of one of those samples shall certify that the analysis complies with the aforementioned methods ; that certification shall be preserved and kept at the disposal of the Minister of the Environment, for at least five years.

33. The laboratory shall send to the Minister of the Environment, by electronic means and on the record prescribed by the Minister, the results of the analyses of the water samples referred to in section 31 and the data entered in the analysis reports received under that section, within ten days of the sampling in the case of samples for the control of microorganisms, free residual disinfectant or turbidity or, in the case of samples for the control of other parameters, within 60 days of the sampling.

CHAPTER IV
NONCOMPLIANCE OF WATER WITH THE STANDARDS OF QUALITY

34. The provisions of the second paragraph of section 35 and sections 36 to 41 do not apply to a distribution system that supplies only one residence.

35. The laboratory that analyses a water sample must immediately inform the person in charge of the distribution system in question or, as the case may be, the owner or operator of the tank truck, of any result revealing that the water at the disposal of a user does not comply with any of the standards of quality defined in Schedule 1 or contains total coliform bacteria.

The laboratory must immediately inform the Minister of the Environment and the public health director of the region in question of any result showing noncompliance with a standard of quality defined in Schedule 1.

36. Where the water at the disposal of a user does not comply with any of the standards of quality established in Schedule 1, the person in charge of the distribution system or, as the case may be, the owner or operator of the tank truck from where the water comes must, as soon as he is informed thereof, notify the Minister of the Environment and the public health director of the region in question of the measures taken to remedy the situation and, where applicable, to protect the users from any risks involved.

If the water contains fecal coliform bacteria or *Escherichia coli* bacteria, the person in charge of the distribution system or the owner or operator of the tank truck is also bound to notify the users in question, as soon as he is informed thereof, through the media or by forwarding individual written notices, that the water at their disposal is unfit for consumption and that precautions must be taken, in particular, boiling the water for at least one minute before drinking it. If, among the users in question, there are health and social services institutions

or educational institutions, they must be notified individually. The Minister of Agriculture, Fisheries and Food, responsible under the Food Products Act for protecting the health and safety of consumers, must also be notified thereof as soon as possible.

The notices to be given to users shall be given at least once every two weeks and until it is shown, in accordance with section 39, that the water supplied is free from total coliform bacteria and complies with the standards of quality determined in Schedule 1 with respect to other analysed microorganisms. The person in charge of the distribution system or the owner or operator of the tank truck must send immediately to the Minister of the Environment and to the public health director a written notice stating that the notices to be given to users were given according to the methods prescribed.

For the purposes of this section, "users in question" means, in the case of a distribution system, all those persons who, considering the hydraulic features of the system, are likely to be supplied with contaminated water.

37. Where another distribution system is connected to his system and where users of that system are also likely to be supplied with contaminated water, or a tank truck is supplied with drinking water directly by his system, the person in charge of the distribution system referred to in the first or second paragraph of section 36 must also immediately notify the person in charge of that other system or, as the case may be, the owner or operator of the vehicle of the problem.

38. The person in charge of an educational institution, a health and social services institution or a tourist establishment supplied by a distribution system or by a tank truck that was subject to a notice given pursuant to the second paragraph of section 36 must, as soon as he is informed that the water at the disposal of users is unfit for consumption, post a notice everywhere in the institution where the water is made available for consumption purposes and interrupt any water service from drinking fountains supplied with contaminated water.

If the distribution system or the tank truck that is subject to a notice given pursuant to the second paragraph of section 36 supplies a house of detention or an enterprise, the person in charge of that house or enterprise must, as soon as he is aware of the notice, notify the users thereof within the house or enterprise.

39. Where the analysis of a sample collected from a distribution system or tank truck shows that the water contains *Escherichia coli* bacteria or that it does not comply with one of the parameters set out in Schedule 1 respecting other bacteria, the person in charge of the distribution system or the owner or operator of the vehicle is bound to collect or have the minimum number of samples of the water supplied collected, during two consecutive days, as provided for in the table below for bacteriological control purposes.

Users in question	Minimum number of samples to collect or to have collected per day
5000 persons or less	4
5001 to 20 000 persons	1 per 1000 persons
20 001 persons and more	20

In the case of disinfected water, he must also measure in each of the collected samples the quantity of free residual disinfectant and enter the result of those measures in the report prescribed by the Minister.

In the case of non-disinfected water for which analyses revealed the presence of fecal coliform bacteria or *Escherichia coli* bacteria, at least two samples of raw groundwater that supplies the system must be collected per day during two consecutive days, for the purposes of checking the presence of *Escherichia coli* bacteria and enterococci bacteria.

The sampling methods provided for in the second paragraph of section 11 shall apply to the sampling prescribed by the first paragraph. Where the person in charge of the distribution system or the owner or operator of the tank truck from which the water sample comes does not have access by road to an accredited laboratory, the sampling prescribed by this section may be carried out during the same day provided that there is an interval of at least two hours between each sampling. The water samples collected under this section may not be taken into account for the purposes of the sampling prescribed by section 11.

Water supplied by the distribution system or tank truck referred to in the first paragraph may be considered as complying again with the bacteriological parameters indicated in Schedule 1 only if the analysis of the samples collected under that paragraph has shown a complete absence of total coliform bacteria and compliance of the water with the aforementioned parameters regarding other analyzed bacteria.

40. Where the analysis of a sample collected in a distribution system or a tank truck shows that the water does not comply with any of the parameters set out in Schedule 1 respecting organic substances (excluding trihalomethanes) or inorganic substances, radioactive

substances or activities, pH or turbidity, the person in charge of the distribution system or the owner or operator of the vehicle is bound to collect or have at least one sample of the water supplied collected during two consecutive days to control those parameters.

Water supplied by that distribution system or vehicle may be considered as complying again with the aforementioned parameters only if the analysis of the samples collected has shown that compliance.

The sampling methods provided for in the second paragraph of section 11 shall apply to the samples prescribed by the first paragraph of this section, which must be collected in the central part of the distribution system. The provisions of the fourth paragraph of section 39 shall also apply, *mutatis mutandis*. Finally, the water samples collected under this section may not be taken into account for the purposes of the sampling prescribed by sections 14, 15 and 21.

41. As soon as the water supplied by a distribution system or tank truck that was subject to a notice given pursuant to section 36 is in compliance again with the standards of quality set out in Schedule 1, the person in charge of the system or the owner or operator of the vehicle shall so inform any person or institution that had to be notified by him under that section, following the same methods as those prescribed by that section.

42. If he has reasons to suspect that the water supplied does not comply with the standards of quality set out in Schedule 1, the person in charge of the distribution system or, as the case may be, the owner or operator of the tank truck is bound to take as soon as possible the appropriate measures to check adequately the quality of that water.

CHAPTER V
COMPETENCE REQUIRED

43. The provisions of this Chapter do not apply to a distribution system or tank truck that supplies only:

(1) one residence;

(2) one or several enterprises;

(3) one residence and one or several enterprises.

44. Only competent persons may be in charge of the operation of a distribution system, a collection facility of water supplied by that system and a filtration or disinfection treatment facility of that water.

Within the meaning of this section, "competent persons" means persons who hold a diploma, certificate or other attestation issued in matters of drinking water purification or treatment recognized by the Minister of Education or by Emploi-Québec or by the Minister responsible therefor. The attestations issued for the purposes of this section, excluding the diplomas obtained from the Minister of the Environment, shall be renewed every five years.

The competence obligation prescribed by this section also applies to persons who supply drinking water by tank truck.

CHAPTER VI
PENAL

45. Any person, in contravention of section 3, who puts at the disposal of a user drinking water that does not comply with the standards of quality set out in Schedule 1 is liable

(1) to a fine of $1000 to $20 000 in the case of a natural person;

(2) to a fine of $2000 to $40 000 in the case of a legal person.

46. In the case of a contravention of any of the provisions of sections 5 to 9, 24, 27, 29, 36, 42 and 44, the owner or operator of the distribution system, disinfection treatment facility or tank truck, as the case may be, is liable to the fines provided for in section 45.

The person who enters false or inaccurate data in the register or report referred to in sections 22, 23, 28 and 39 or who omits to enter therein the data prescribed by those sections is liable to the same fines.

47. Any offence against section 35 or 38 makes the offender liable to the fines provided for in section 45.

48. Any person who commits an offence against the provisions of this Regulation and not covered by sections 45 to 47 is liable

(1) to a fine of $500 to $10 000 in the case of a natural person; and

(2) to a fine of $1000 to $20 000 in the case of a legal person.

49. In the case of a subsequent offence, the fines provided for in sections 45 to 48 shall be doubled.

CHAPTER VII
MISCELLANEOUS AND FINAL

50. This Regulation applies in particular to immovables included in reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

51. This Regulation replaces the Drinking Water Regulation made by Order in Council 1158-84 dated 16 May 1984.

52. In the regulatory provisions listed below, reference to the Drinking Water Regulation made by Order in Council 1158-84 dated 16 May 1984 shall be replaced by a reference to the Regulation respecting the quality of drinking water made by Order in Council (*enter the number and date of the Order in Council that made this Regulation*) :

(1) in the definition of the expression "water intake" in section 1 of the Regulation respecting standards of forest management for forests in the public domain, made by Order in Council 498-96 dated 24 April 1996 ;

(2) in the definitions of the expression "drinking water" in sections 1.1.1, 5.1.1 and 5.6.1 of the Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) ;

(3) in the definition of the expression "drinking water" in section 1 of the Regulation respecting the quality of dairy products, made by Order in Council 183-88 dated 10 February 1988 ; and

(4) in section 28 of the Regulation respecting waterworks and sewer services (R.R.Q., 1981, c. Q-2, r. 7).

53. The distribution systems whose water supplied on the date of coming into force of this Regulation comes in whole or in part from surface water and is not subject to any treatment including flocculation, slow filtration or membrane filtration shall be exempted from the application of the provisions of section 5 for a maximum period of one year.

The persons in charge of those systems will have to, however, within three months of the coming into force of this Regulation, provide the Minister of the Environment with a description of the measures that will be implemented, accompanied by an implementation schedule, in order to guarantee that those systems will meet the requirements contemplated in section 5 no later than the expiry of the one-year period provided for above.

The exemption from which a distribution system benefits under the first paragraph will cease however to apply if the system is subject to a notice given pursuant to section 36.

54. The Minister of the Environment must, no later than on 15 June 2006, and thereafter every five years, draw up a report to the Government on the implementation of this Regulation, in particular on the opportunity to change the standards of quality of drinking water considering the scientific and technical knowledge of the time.

That report shall be available to the public no less than fifteen days after it has been sent to the Government.

55. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 44 which will take effect upon the expiry of the twelfth month following the coming into force of this Regulation.

SCHEDULE 1

STANDARDS OF QUALITY OF DRINKING WATER

1. **Microbiological parameters**

(a) Water collected for microbiological analysis purposes must be free from pathogenic organisms and indicator organisms of fecal contamination, such as fecal coliform bacteria, *Escherichia coli* bacteria, enterecocci bacteria and coliphage viruses ;

(b) Water must not contain more than 10 total coliforms per 100 millilitres of water collected where a technique is used to count them ;

(c) Where, pursuant to section 11, 21 water samples or more are collected over a period of 30 consecutive days, at least 90% of the samples must be free from total coliform bacteria ;

(d) Where, pursuant to section 11, less than 21 water samples are collected over a period of 30 consecutive days, only one of the samples may contain total coliform bacteria ;

(e) Water must not contain more than 200 atypical colonies per membrane where the membrane filtration technique is used to count total coliforms ;

(f) Water must not contain bacteria in such quantity that they may not be identified nor counted where the membrane filtration technique is used to count total coliforms and fecal coliform bacteria in 100 millilitres of water collected ;

(g) Water must not contain more than 500 facultatively aerobic or anaerobic heterotrophic bacteria per millilitre of water collected, after incubation at 35°C for 48 hours.

2. **Parameters respecting inorganic substances**

Water must not contain inorganic substances in a concentration greater than those indicated in the table below:

Inorganic substances	Maximum concentration (mg/L)
Antimony	0.006
Arsenic (As)	0.025
Barium (Ba)	1
Boron (B)	5
Bromates	0.010
Cadmium (Cd)	0.005
Chloramines	3
Cyanides (CN)	0.2
Fluorides (F)	1.5
Lead (Pb)	0.01
Nitrates + nitrites (expressed as N)	10
Nitrites (expressed as N)	1
Mercury (Hg)	0.001
Selenium (Se)	0.01
Total chromium (Cr)	0.05
Uranium (U)	0.02

3. **Parameters respecting organic substances**

Water must not contain organic substances in a concentration greater than those indicated in the following tables:

Pesticides	Maximum concentration (μg/L)
Aldicarb and its metabolites	9
Aldrin and dieldrin	0.7
Atrazine and its metabolites	5
Azinphos-methyl	20
Bendiocarb	40
Bromoxynil	5
Carbaryl	90
Carbofuran	90
Chlorpyrifos	90
Cyanazine	10
Diazinon	20
Dicamba	120
2,4-dichlorophenoxyacetic acid (2,4-D)	100
Diclofop-methyl	9
Dimethoate	20
Dinoseb	10
Diquat	70
Diuron	150
Glyphosate	280
Malathion	190
Methoxychlor	900
Metolachlor	50
Metribuzin	80
Paraquat in (dichlorides)	10
Parathion	50
Phorate	2
Picloram	190
Simazine	10
Terbufos	1
Trifluralin	45

Other organic substances	Maximum concentration (μg/L)
Benzene	5
Benzo(a)pyrene	0.01
Carbon tetrachloride	5

Other organic substances	Maximum concentration (µg/L)
1,1-dichloroethylene	14
1,2-dichlorobenzene	200
1,4-dichlorobenzene	5
1,2-dichloroethane	5
Dichloromethane	50
2,4-dichlorophenol	900
Monochlorobenzene	80
Nitrilotriacetic acid (NTA)	400
Pentachlorophenol	60
Tetrachloroethylene	30
2,3,4,6-tetrachlorophenol	100
2,4,6-trichlorophenol	5
Trichloroethylene	50
Vinyl chloride	2

Other organic substances	Maximum annual average concentration (µg/L)
Total trihalomethanes (chloroform, bromodichloromethane, chlorodibromomethane and bromoform)	80

4. Parameters respecting radioactive substances

Water must not contain radioactive substances in a concentration greater than those indicated in the following table:

Radioactive substances or activities	Maximum concentration (Bq/L)
Cesium-137	10
Gross alpha activity	0.1
Gross beta activity	1
Iodine-131	6
Radium-226	0.6
Strontium-90	5
Tritium	7000

5. Parameters respecting pH

The pH of water must not be greater than 8.5 nor less than 6.5.

6. Parameters respecting turbidity

The turbidity of water must be less than or equal to 5 NTU (nephelometric turbidity units).

In addition, in the case of filtered or disinfected water, the turbidity must not exceed 0.5 NTU in more than 5% of the measures entered in the register pursuant to section 22 over a period of 30 consecutive days; notwithstanding the preceding, the limit of 0.5 NTU will be either increased to 1 NTU if filtration is carried out by means of a slow filtration process or with diatomaceous earth, or decreased to 0.1 NTU if it is carried out by means of a membrane filtration process.

SCHEDULE 2
(s.19)

ORGANIC SUBSTANCES

Pesticides
Atrazine and its metabolites
Azinphos-methyl
Bromoxynil
Carbaryl
Carbofuran
Chlorpyrifos
Cyanazine
Diazinon
Dicamba
2,4-dichlorophenoxyacetic acid (2,4-D)
Dimethoate
Diquat
Diuron
Glyphosate
Malathion
Methoxychlor

Pesticides
Metolachlor
Metribuzin
Paraquat (in dichlorides)
Parathion
Phorate
Picloram
Simazine
Terbufos
Trifluralin
Other organic substances
Benzene
Benzo(a)pyrene
Carbon tetrachloride
1,1-dichloroethylene
1,2-dichlorobenzene
1,4-dichlorobenzene
1,2-dichloroethane
Dichloromethane
2,4-dichlorophenol
Monochlorobenzene
Pentachlorophenol
Tetrachloroethylene
2,3,4,6-tetrachlorophenol
2,4,6-trichlorophenol
Trichloroethylene
Vinyl chloride

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Gouvernement du Québec

O.C. 671-2001, 30 May 2001

Transport Act
(R.S.Q., c. T-12)

Bus transport
— Amendments

Regulation to amend the Bus Transport Regulation

WHEREAS, under paragraphs *c* and *d* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may in particular, by regulation, determine what activities require a permit for the transport of persons and prescribe the conditions on which a permit may be issued and those on which a person may hold a permit and provide for exceptions to those conditions;

WHEREAS the Bus Transport Regulation was made by Order in Council 1991-86 dated 19 December 1986;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft Regulation to amend the Bus Transport Regulation was published in Part 2 of the *Gazette officielle du Québec* of 31 January 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Bus Transport Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Bus Transport Regulation*

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *c* and *d*)

1. Section 6 of the Bus Transport Regulation is amended by adding the following paragraph at the end:

"A holder of a travel agent's licence who obtains a Category 6 minibus transport permit for chartered transport in accordance with the second paragraph of section 12 shall be exempted from the requirement of subparagraph 2 of the first paragraph."

2. The following paragraph is added at the end of section 12:

"When screening an application for the issue of a Category 6 minibus transport permit for chartered transport made by the holder of a travel agent's licence for his customers, within a package including activities and transport, the Commission shall be exempted from applying the criteria set out in the first paragraph if the licence holder meets the following conditions:

(1) the travel agent's licence is in effect;

(2) the licence holder is registered as an operator in the Régistre des propriétaires et des exploitants de véhicules lourds established by section 4 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3);

(3) the Commission gave the licence holder a "satisfactory" rating under section 12 of that Act; and

(4) the holder has the relevant knowledge and experience for the safe operation of a minibus.".

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the Regulation made by Order in Council 1849-94 dated 21 December 1994 (1995, *G.O.* 2, 32). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Gouvernement du Québec

O.C. 673-2001, 30 May 2001

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Comité paritaire de l'entretien d'édifices publics, région de Montréal — Levy

CONCERNING the Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal

WHEREAS the Comité paritaire de l'entretien d'édifices publics, région de Montréal levies, upon both the professional employer and the employee, the sums required for the carrying out of the Decree respecting building service employees in the Montréal region under the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal, approved by Order in Council no. 2626-85 dated 11 December 1985;

WHEREAS the Comité paritaire de l'entretien d'édifices publics, région de Montréal adopted, at its meeting held on 12 September 2000, a resolution requesting the Government to approve the Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal;

WHEREAS under subparagraph 5 of paragraph *i* of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may, at any time, terminate or suspend the levy or reduce or increase the rate thereof;

WHEREAS it is expedient to revoke the section related to the weekly amount remitted by skilled tradesmen or workers who are not in the service of a professional employer;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* dated 22 November 2000 and, on the same date, in two French language newspapers and in one English language newspaper and, on 26 November 2000, in another French language newspaper, with a notice that it could be approved by the Government on the expiry of the 45-day period following that publication;

WHEREAS it is expedient to make that draft Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 22, par. *i*)

1. Section 3 of the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal is amended by deleting the words "other than those mentioned in section 4".

2. Section 4 of that Regulation is revoked.

3. Section 5 of that Regulation is amended by deleting the third paragraph.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 691-2001, 6 June 2001

An Act respecting financial services cooperatives
(2000, c. 29)

Acquisition of shares by certain financial services cooperatives

Regulation respecting the acquisition of shares by certain financial services cooperatives

WHEREAS under the first paragraph of section 473 of the Act respecting financial services cooperatives (2000, c. 29), a financial services cooperative may not acquire, by itself or jointly with a credit union or a federation belonging to its network, directly or through a partnership or legal person it controls, more than 30% of the assets or the voting rights attached to the shares of a legal person;

WHEREAS under the second paragraph of section 473 and subparagraph 13 of the first paragraph of section 599 of the Act, the Government may, by regulation, determine the cases in which a financial services cooperative may, notwithstanding the first paragraph of section 473, acquire some or all of the shares of any legal person;

WHEREAS under section 474, notwithstanding the first paragraph of section 473, a financial services cooperative may acquire directly, by itself or jointly with a credit union or a federation belonging to its network, all or part of the shares of a legal person carrying on activities that are similar to those of the cooperative and whereas the cooperative may also acquire such shares through a holding company established under the laws of Québec for the sole purpose of holding those shares;

WHEREAS under the first paragraph of section 475 of the Act, the provisions of a regulation referred to in the second paragraph of section 473 and the provisions of section 474 allow the acquisition of shares of a legal person only where the legal person is or becomes, as a result of that acquisition, a legal person controlled by the acquirer;

WHEREAS under the second paragraph of section 475 and subparagraph 14 of the first paragraph of section 599 of the Act, the first paragraph of that section does not apply in the cases determined by regulation of the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in the *Gazette officielle du Québec* of 18 April 2001, with a notice that the Government could make the regulation upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation respecting the acquisition of shares by certain financial services cooperatives, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* The Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal, approved by Order in Council no. 2626-85 dated 11 December 1985 (1985, *G.O.* 2, 4379), has not been amended since that date.

Regulation respecting the acquisition of shares by certain financial services cooperatives

An Act respecting financial services cooperatives
(2000, c. 29, s. 599, 1st par., subpars. 13 and 14)

1. A financial services cooperative may acquire, directly or through a legal person or partnership it controls, all or part of the shares of a trust company and an insurance company.

A legal person or partnership controlled by the cooperative that holds the shares of a legal person carrying on activities similar to those of the cooperative may also acquire all or part of the shares of a trust company and an insurance company.

For the purposes of this section and sections 3, 5 and 6, "financial services cooperative" means a federation or the Caisse centrale Desjardins du Québec.

2. A financial services cooperative that is a federation may acquire all or part of the shares of a holding company established under the laws of Québec for the sole purpose of acquiring all or part of:

(1) the securities of a legal person or partnership whose activities are the acquisition, rental or administration of immovables or other exclusively commercial or industrial activities;

(2) the shares of other holding companies established under the laws of Québec for the sole purpose of acquiring all or part of the securities referred to in paragraph 1.

3. A financial services cooperative may acquire shares in holding companies established under laws other than those of Québec for the purpose of acquiring all or part of:

(1) the shares of legal persons or partnerships that carry on activities similar to those of the cooperative, specifically a bank, investment bank, savings company and a legal person or partnership established for the purpose of carrying on activities related to mutual funds;

(2) the shares of other holding companies established for the purpose of acquiring shares in the legal persons or partnerships referred to in section 1 and in paragraph 1 of this section.

4. A financial services cooperative that is a federation may acquire 30% to 50% of the assets or the voting rights attached to the shares of holding companies established under the laws of Québec, where all of the following conditions apply:

(1) the holding company is established for the sole purpose of acquiring all or part of the securities of a legal person or partnership whose activities are exclusively commercial or industrial;

(2) the holding company is controlled by a legal person from the same group.

The voting rights attached to the shares of the holding company may enable the financial services cooperative to elect more than one-third of the directors of that holding company.

5. A financial services cooperative may acquire, directly or through a legal person or a partnership it controls, 30% to 50% of the assets or the voting rights attached to the shares of a legal person carrying out a joint venture, where all of the following conditions apply:

(1) the financial services cooperative has entered into a business partnership with respect to the joint venture;

(2) the partners in the joint venture control it;

(3) the principal activities of the joint venture are one or more of the following:

(a) the provision of financial products and services, including their production and distribution;

(b) the transport of valuables;

(c) payment systems and services;

(d) payroll services;

(e) the development and marketing of computer applications or systems or telecommunications that relate to the activities of financial institutions;

(f) management, consulting and supply services that relate to the activities of financial institutions.

The voting rights attached to the shares of a legal person carrying out a joint venture may enable the financial services cooperative to elect more than one-third of the directors of that legal person.

6. A financial services cooperative may also acquire shares, directly or through a legal person or a partnership it controls, where:

(1) for a period not exceeding one year, it acquires 30% to 50% of the shares of a legal person;

(2) for a period not exceeding one year, it acquires all or part of the shares of a legal person whose activities are exclusively commercial or industrial.

The voting rights attached to the shares of the legal person referred to in subparagraphs 1 and 2 of the first paragraph may enable the financial services cooperative to elect more than one-third of the directors of that legal person.

7. The provisions of the first paragraph of section 475 of the Act respecting financial services cooperatives do not apply:

(1) to the acquisition by a holding company of the shares of another holding company referred to in paragraph 2 of section 2;

(2) to the acquisition of shares of a legal person whose activities are exclusively commercial or industrial;

(3) to the acquisition of shares of a legal person carrying out a joint venture, made in accordance with section 5;

(4) to the acquisition of shares of a legal person, made in accordance with section 6.

8. This Regulation comes into force on the date of coming into force of sections 468 to 475, subparagraphs 13 and 14 of the first paragraph of section 599 and section 689 of the Act respecting financial services cooperatives.

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Gouvernement du Québec

O.C. 692-2001, 6 June 2001

An Act respecting financial services cooperatives (2000, c. 29)

Investments of a security fund

Regulation respecting investments of a security fund

WHEREAS under section 517 of the Act respecting financial services cooperatives (2000, c. 29) a fund may only make the investments authorized by government regulation;

WHEREAS under subparagraph 17 of the first paragraph of section 599 of the Act, the Government may, by regulation, determine the cases, conditions and restrictions applicable to the investments of a security fund;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in the *Gazette officielle du Québec* of 18 April 2001, with a notice that upon the expiry of 45 days following that publication the Government could make the Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation respecting investments of a security fund, attached to this Order in council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting investments of a security fund

An Act respecting financial services cooperatives (2000, c. 29, ss. 517 and 599, 1st par., subpar. 17)

1. A security fund may invest in the following:

(1) demand deposits;

(2) day loans;

(3) demand loans guaranteed by securities having a credit rating at least equivalent to an R-1L or A rating according to the criteria of the Dominion Bond Rating Service Limited;

(4) deposit certificates whose term does not exceed five years;

(5) guaranteed investment certificates issued by a bank or institution registered with the Régie de l'assurance-dépôts du Québec, other than a credit union that is a member of the fund, or with the Canada Deposit Insurance Corporation;

(6) negotiable and insubordinate debt securities issued by a bank listed in Schedule 1 or Schedule 2 to the Bank Act (S.C., 1991, c. 46) and having a credit rating at least equivalent to an R-1L or A rating according to the criteria of the Dominion Bond Rating Service Limited;

(7) securities issued or guaranteed irrevocably and unconditionally by the Gouvernement du Québec or the Government of Canada;

(8) securities issued or guaranteed irrevocably and unconditionally by the Government or a hydroelectric corporation of a Canadian province other than Québec and having a credit rating at least equivalent to an R-1L or A rating according to the criteria of the Dominion Bond Rating Service Limited ;

(9) securities issued or guaranteed irrevocably and unconditionally by the Government of the United States of America ;

(10) securities issued by a legal person established in the public interest incorporated under the Statutes of Québec ;

(11) negotiable and subordinate debt securities, issued by a bank listed in Schedule 1 or Schedule 2 to the Bank Act (S.C., 1991, c. 46) and having a credit rating at least equivalent to an R-1L or A rating according to the criteria of the Dominion Bond Rating Service Limited ;

(12) negotiable debt securities issued by a legal person established in the private interest and having a credit rating at least equivalent to an R-1L or A rating according to the criteria of the Dominion Bond Rating Service Limited ;

(13) mutual funds of Canadian or American money markets ;

(14) mutual funds of Canadian or American bond or mortgage markets ;

(15) mutual funds of shares issued on the Canadian market or on the market of another country that is a member of the Organisation for Economic Co-operation and Development ;

(16) subordinate shares or debt securities issued by credit unions whose capital base does not reach the amount prescribed in the standards of the federation ;

(17) derivatives ;

(18) shares issued on the Canadian market or on the market of another country that is a member of the Organisation for Economic Co-operation and Development ; and

(19) hedge funds.

2. The security fund may not make investments that exceed a value representing 30% of its assets according to its most recent auditing in subordinate shares or debt securities issued by the credit unions of its group.

3. The security fund may not make investments that exceed a value representing 5% of its assets according to its most recent auditing in securities issued by the same legal person and referred to in paragraphs 11, 12 and 18 of section 1.

4. The security fund may not make investments that exceed a value representing 25% of its assets according to its most recent auditing in securities referred to in paragraphs 11, 12, 15 and 18 of section 1 and in securities of mutual funds of Canadian or American bond or mortgage markets.

For the purposes of this section, the mutual funds of bond markets are those made up of bonds issued by legal persons established in the private interest.

5. A security fund may not make investments in legal persons or corporations controlled by the federation or the credit unions of its group.

Notwithstanding the foregoing, the security fund may carry out the transactions referred to in paragraphs 1, 2 and 17 of section 1 with a bank, the Caisse centrale Desjardins or the Fédération des caisses Desjardins du Québec, where it is part of the same group as those credit unions.

6. This Regulation will come into force on the date of coming into force of sections 487 to 547, subparagraph 17 of the first paragraph of section 599 and section 689 of the Act respecting financial services cooperatives.

4325

Gouvernement du Québec

O.C. 693-2001, 6 June 2001

An Act respecting the Mouvement Desjardins
(2000. c. 77)

Mouvement Desjardins
— Certain transitional measures or other useful measures conducive to the application of the Act

Regulation respecting certain transitional measures or other useful measures conducive to the application of the Act respecting the Mouvement Desjardins

WHEREAS under section 69 of the Act respecting the Mouvement Desjardins (2000, c. 77), the Government may, by regulation, provide for any other transitional measures or other useful measures conducive to the application of this Act ;

WHEREAS it is expedient that the Caisse centrale Desjardins du Québec establish by resolution of its board of directors, before the date of coming into force of section 689 of the Act respecting financial services cooperatives (2000, c. 29), certain transitional measures or other useful measures conducive to the application of the Act respecting the Mouvement Desjardins ;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 18 April 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS it is expedient to make the Regulation without amendment ;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance :

THAT the Regulation respecting certain transitional measures and other useful measures conducive to the application of the Act respecting the Mouvement Desjardins, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting certain transitional measures or other useful measures conducive to the application of the Act respecting the Mouvement Desjardins

An Act respecting the Mouvement Desjardins
(2000, c. 77, s. 69)

1. The Caisse centrale Desjardins du Québec, constituted under chapter 46 of the Statutes of 1979, replaced by chapter 113 of the Statutes of 1989 and its amendments shall establish by resolution of its board of directors and before the date of coming into force of section 689 of the Act respecting financial services cooperatives (2000, c. 29) :

(1) the capital stock of the Caisse centrale Desjardins du Québec which will continue as a financial services cooperative from the date of coming into force of section 689 of the Act respecting financial services cooperatives, in accordance with sections 10 and 72 of the Act respecting the Mouvement Desjardins (2000, c. 77) ;

(2) the conversion of cooperative shares into qualifying shares or capital shares.

The Caisse centrale Desjardins du Québec shall transmit a certified true copy of the resolution to the Inspector General of Financial Institutions, who shall deposit a copy of the resolution in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45).

2. The Caisse centrale Desjardins du Québec shall establish by resolution of its board of directors before the date of coming into force of section 689 of the Act respecting financial services cooperatives the new bylaws of the Caisse centrale Desjardins du Québec that are to apply as of that date.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4324

M.O., 2001

Order number 453 of the Minister of Natural Resources concerning delegation of the exercise of powers vested in the Minister of Natural Resources by the Mining Act, other than the powers relating to petroleum, natural gas, brine and underground reservoirs dated 31 May 2001

Mining Act
(R.S.Q., c. M-13.1 ; 1998, c. 24 ; 2000, c. 42)

THE MINISTER OF NATURAL RESOURCES,

CONSIDERING the first paragraph of section 305 of the Mining Act (R.S.Q., c. M-13.1), which enables the Minister to delegate generally or specially by order, to any person, the exercise of powers vested in him by that Act ;

CONSIDERING the second paragraph of section 305 of that Act, which provides that such delegation comes into force on the date of publication of the order in the *Gazette officielle du Québec* or on any later date indicated therein ;

CONSIDERING section 382 of that Act, which provides that the Minister of Natural Resources is responsible for the administration of the Mining Act ;

CONSIDERING Order 92029 of the Minister of Energy and Resources dated 29 January 1992 which made the Regulation respecting the delegation of the exercise of

powers vested in the Minister of Energy and Resources by the Mining Act, other than the powers relating to petroleum, natural gas, brine and underground reservoirs;

CONSIDERING that it is expedient to replace the Regulation by this Order of the Minister of Natural Resources, in particular, to take into account the new provisions of the Mining Act enacted by chapter 24 of the Statutes of 1998;

ORDERS:

1. The public servants of the Ministère des Ressources naturelles who hold the positions referred to in this Order are authorized to exercise alone, within the limits of their respective duties, the powers listed after their positions, including the power to sign documents attached to their duties, with the same authority as that of the Minister of Natural Resources.

2. The Associate Deputy Minister responsible for the Mines Sector or the Director of the Direction du développement minéral is authorized to exercise all the powers vested in the Minister by the Mining Act (R.S.Q., c. M-13.1), including the powers vested in the Minister by the sections 133 to 136 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1042-2000 dated 30 August 2000, other than the powers relating to petroleum, natural gas, brine and underground reservoirs and the powers resulting from the application of the second paragraph of section 210 of the Act.

3. A service head of the Direction du développement minéral is authorized to exercise the powers that the persons referred to in section 2 are authorized to exercise, except for the exercise of the powers vested in the Minister by the second paragraph of section 34, the fourth paragraph of section 52, the third paragraph of section 61, sections 67 and 82, the second paragraph of section 101.1, the third paragraph of section 104, sections 106, 107, 117, 118, 129, 150, 152, 213.2, 231, 232, 232.8, 232.11, 234, 278 and 290 of the Mining Act and except for the exercise of the following:

(1) determining the conditions that the holder of a claim, of a mining exploration licence or of an exploration licence for surface mineral substances must meet to perform work on lands of the domain of the State, in the cases provided for in section 70 of the Act;

(2) determining and including in a rehabilitation and restoration plan or a revised plan, pursuant to the first paragraph of section 232.5 of the Act, the conditions and obligations referred to in that paragraph, including fixing, during the approval of the plan or revised plan, a period for revision shorter than the period provided for in subparagraph 1 of the first paragraph of section 232.6 of the Act;

(3) designating a person as investigator for the purposes of Chapter VI of the Act and signing the certificate attesting to his capacity.

4. A division head of the Direction du développement minéral or the Head of the Bureau de la conversion et des litiges miniers is authorized to exercise the powers that a service head referred to in section 3 is authorized to exercise, except for the exercise of the powers vested in the Minister by sections 32 and 33, the first paragraph of section 34, the third paragraph of section 52, section 66, the first paragraph of sections 101 and 101.1, section 102, the second paragraph of section 104, sections 124, 125 and 126, the second paragraph of section 140, sections 142 and 142.1 with respect to an exclusive lease to mine surface mineral substances, sections 145, 146 and 148, paragraph 3 of section 156, sections 214, 216, 232.7, 232.10, 240, 241 and 269 of the Mining Act and except for the exercise of the following:

(1) designating the registrar responsible for the obligations referred to in section 13 of the Act;

(2) prescribing the form of the notice of staking, the notice of map designation, the application for renewal of claims, the application for the conversion of mining rights into map designated claims, the application for substitution of claims or the form of the determination of a common expiry date of claims or of reduction of the term of a claim;

(3) refusing to grant or renew a non-exclusive lease to mine surface mineral substances;

(4) requiring, pursuant to the second paragraph of section 155 of the Act, from the holder of a non-exclusive lease to mine surface mineral substances or an operator or person referred to in section 223.1 of the Act, to transmit to the Minister, on a monthly basis, the report referred to in the first paragraph of section 155 of that Act and set the date on which the report will be transmitted;

(5) approving a rehabilitation and restoration plan or a revised plan, including requesting a revised plan already approved, pursuant to subparagraph 4 of the first paragraph of section 232.6 of the Act;

(6) authorizing generally or specially a person to act as inspector for the purposes of section 251 of the Act and signing the certificate attesting to his capacity;

(7) authorizing a person to perform research and geological inventory work on lands containing mineral substances forming part of the domain of the State and signing the certificate attesting to his capacity.

5. A registrar or a mining title management officer is authorized to exercise the powers vested in the Minister under the Mining Act that are listed in this section, including all the related powers:

(1) issuing the prospecting licences referred to in Division II of Chapter III of the Act and renewing them or issuing duplicates;

(2) issuing the staking tags referred to in the second paragraph of section 40 of the Act;

(3) accepting the proportions of a parcel of land of less than 16 hectares staked by more than one holder of mining rights or authorizing a third person to stake such a parcel of land, pursuant to the second paragraph of section 42 of the Act;

(4) proceeding to the drawing of lots, for the purposes of the second paragraph of section 42.2 of the Act, and transmitting the notice of extension referred to in the third paragraph of that section;

(5) designating the holder of a claim by drawing lots, where an investigation shows that the stakings were simultaneous, pursuant to section 54 of the Act or rectifying an obvious error in the registration of a claim pursuant to section 57 of the Act;

(6) renewing a claim or renewing a claim in advance pursuant to the second paragraph of section 61 or section 62 of the Act;

(7) converting a claim obtained by staking or an exploration licence for surface mineral substances into map designated claims pursuant to subdivision 5 of Division III of Chapter III of the Act or substituting a claim pursuant to sections 133 to 136 of the Regulation respecting mineral substances other than petroleum, natural gas and brine;

(8) determining the common claim expiry date of claims or reducing the term of a claim, pursuant to subdivision 6 of Division III of Chapter III of the Act;

(9) renewing a mining exploration licence pursuant to the second paragraph of section 90 of the Act;

(10) exempting the holder of a mining exploration licence from any work for any year of the term of his licence except the first, pursuant to the first paragraph of section 95 of the Act or giving the licensee the authorization referred to in the second paragraph of that section to perform the work required for the first year during the second year of the term of his licence;

(11) giving the holder of a mining exploration licence the authorization referred to in section 99 of the Act to abandon the right of the licensee in all or part of the territory subject to his licence;

(12) renewing an exploration licence for surface mineral substances pursuant to section 134 of the Act;

(13) giving the holder of an exploration licence for surface mineral substances the authorization referred to in section 139 of the Act to abandon the right of the licensee in all or part of the territory subject to his licence;

(14) granting a non-exclusive lease to mine surface mineral substances pursuant to section 142 of the Act or renewing such a lease pursuant to section 147 of that Act;

(15) giving, pursuant to the second paragraph of section 155 of the Act, the holder of a lease to mine surface mineral substances or the operator or a person referred to in section 223.1 of the Act permission to transmit to the Minister, on an annual basis, the report referred to in the first paragraph of section 155 of that Act and setting the date on which the report will be transmitted;

(16) increasing the area of a claim by the residue of the lot referred to in section 349 of the Act, pursuant to that section.

6. The Head of the Service de l'imposition et des données minières of the Direction du développement minéral is authorized to request from the persons referred to in sections 220 and 222 of the Mining Act, the plans, documents or reports on exploration work and the results of the work referred to in section 220, or the reports of activities referred to in section 222, including the information that may be requested under subparagraph 7 of the first paragraph of section 222.

7. The Director General of the Direction générale du foncier, the Director of the Direction de l'information foncière sur le territoire public or a land surveyor of that branch, the Head of the Service de l'enregistrement des droits d'intervention, the Head of the Division de l'arpentage foncier or of the Division de l'exploitation des données is authorized to give the land surveyors the surveying instructions issued for establishing the boundaries and official description of a parcel of land subject to a mining right pursuant to the second paragraph of section 210 of the Mining Act.

8. This Order replaces the Regulation respecting the delegation of the exercise of powers vested in the Minister of Energy and Resources by the Mining Act, other than the powers relating to petroleum, natural gas, brine and underground reservoirs, made by Order 92029 dated 29 January 1992.

9. This Order comes into force on the date of its publication in *the Gazette officielle du Québec.*

Charlesbourg, 31 May 2001

JACQUES BRASSARD
Minister of Natural Resources

4320

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Groundwater catchment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), and section 124 of the Environment Quality Act, that the Regulation respecting groundwater catchment, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 60 days following this publication.

The draft Regulation replaces the Regulation respecting underground waters made in 1967. Its purpose is to promote the protection of groundwater drawn for human consumption purposes and to govern the use of that resource.

To that end, it sets forth standards for the construction of groundwater catchment works. It specifies the standard distances that must be complied with in respect of septic installations for isolated dwellings. It also provides for mandatory analyses of water during the installation of a new catchment work. It specifies the catchment projects that are subject to an authorization of the Minister of the Environment, and the information and documents to be supplied. It makes the determination of the protection perimeters of the supply area mandatory for certain groundwater catchment works. It amends certain sections of the Regulation respecting the reduction of pollution from agricultural sources, made by Order in Council 742-97 dated 4 June 1997, so that those protection perimeters be taken into account. Finally, it amends the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) to ensure that it is consistent with the proposed regulation.

Further information may be obtained by contacting

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Ministère de l'Environnement
Service de l'expertise technique en eau
Direction des politiques du secteur municipal
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Any interested person having comments to make on the draft Regulation respecting groundwater catchment is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, at the above address.

ANDRÉ BOISCLAIR,
Minister of the Environment

Regulation respecting groundwater catchment

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *c*, *e*, *g*, *h*.1, *h*.2 and *m*, s. 46, 1st. par, subpars. *a*, *b*, *d*, *p*, *q*, *r* and *s*, ss. 86, and 124.1)

CHAPTER I
PURPOSE

1. The purpose of this Regulation is to

(1) promote the protection of groundwater intended for human consumption; and

(2) govern groundwater catchment as to prevent the catchment of that water by an owner or operator from causing abusive nuisance to its neighbours, in particular by lowering the phreatic water level or by reducing the artesian pressure, to prevent the drawing of water in excessive amounts considering its availability, and to minimize the negative impacts from the catchment on bodies of water and watercourses, on the persons entitled to use it and on the ecosystems associated with those bodies of water and watercourses.

CHAPTER II
CATCHMENT WORKS

2. Development works or modification of a catchment work shall be carried out in such a way as to prevent groundwater from being contaminated.

3. It is prohibited to install at less than 30 m from a wastewater system a catchment work of spring water or mineral water referred to in paragraph 2 of section 21 or a catchment work of groundwater supplying more than one residence. For the purposes of this Regulation, the expressions "spring water" and "mineral water" have the meaning given to them in the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r. 5).

It is also prohibited to install any other catchment work at less than

(1) 30 m from any non-watertight wastewater system. Notwithstanding the foregoing, where the distance is not complied with, a tube well that complies with the standards provided for in paragraphs 1, 2 and 3 of section 5 may be installed at a distance of at least 15 m from a non-watertight wastewater system ; or

(2) 15 m from a watertight wastewater system.

4. The casing of a tube well shall be new, shall not be less than 6 m long, shall have an inside diameter wider than 8 cm, shall rise above the natural ground surface by not less than 30 cm and shall comply with one of the following standards :

(1) ASTM Standard A 53/A 53M – 99b, if made of steel ;

(2) ASTM Standard A 409/A 409M – 95a, if made of stainless steel ; or

(3) ASTM Standard F-480–00, if made of plastic.

5. Where a tube well is drilled in a rock formation, a drive shoe shall be connected to the lower end of the casing and, if the rock formation lies less than 6 m from the natural ground surface,

(1) the well shall be drilled in such a way as to obtain a diameter at least 10 cm wider than the outside diameter of the casing ;

(2) the casing shall be lowered to a depth of not less than 6 m ; and

(3) the annular space shall be filled, in accordance with the rules, with a material that ensures a watertight and durable sealing such as a cement bentonite mix.

6. The following standards shall apply to the installation of a shallow well :

(1) the space inside the well shall be wider than 60 cm and the well shall not be more than 9 m deep below the natural ground surface ;

(2) the casing shall be made of concrete pipes complying with Standard NQ 2622-126, corrugated steel pipes complying with Standard CSA G401-93, stonework or gelinite ;

(3) the well shall rise above the natural ground surface by not less than 30 cm ; and

(4) the annular space shall be filled in accordance with the rules by means of a material that ensures a watertight and durable sealing such as a cement bentonite mix, to a depth of 1 m below the natural ground surface.

7. The casing of a well point shall be new, shall have an inside diameter of not more than 8 cm, shall rise above the natural ground surface by not less than 30 cm and shall comply with the ASTM standards provided for in section 4.

8. Underground connections to the casing of a catchment work shall be watertight.

9. Catchment works and observation wells shall be covered in such a way as to prevent contaminant infiltration.

10. The finishing grade, within a radius of 1 m from a catchment work, shall be carried out in such a way as to prevent the presence of stagnant water and infiltration of water into the ground.

11. A person who installs or alters a catchment work shall, on completion of the work, clean and disinfect the catchment work in such a way as to eliminate all microbial contamination.

The same cleaning and disinfecting obligation shall apply to a person who installs pumping equipment more than two days after the work prescribed in the first paragraph.

This section does not apply to catchment works intended solely for supplying water to fish breeding.

12. Where pumping equipment has not been installed three years after completion of the work or where pumping has been interrupted for at least three years, the owner shall seal off the catchment work and any observation well so as to protect the quality of the groundwater.

Any observation well that has not been used for at least five years shall also be sealed.

13. A person who drills a tube well shall carry out a flow rate test for not less than 30 minutes, during which he shall measure the flow rate and the water level before pumping and at the end of pumping.

14. A person who drills or deepens a tube well shall, within 60 days after completion of the work, draw up a drilling report, in accordance with the sample standard format provided by the Minister of the Environment, containing the information listed in Schedule I and he shall send a copy of the report to the owner of the well

and two copies to the local municipality on whose territory the well has been drilled or deepened. The report shall certify that the drilling complies with the standards of this Regulation.

The municipality shall draw up the drilling report of a surface well or a well point that it has authorized.

No later than 1 February each year, the municipality shall forward to the Minister a copy of the drilling reports that it has received and drawn up during the preceding calendar year.

15. Except in the case of catchment works authorized by the Minister, the owner of a catchment work shall take groundwater samples between the second and the thirtieth day after the pumping equipment has been put into service and shall have the samples analyzed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2).

The following parameters shall be analyzed:

— total coliform bacteria;

— *Escherichia coli* bacteria;

— enterococcus bacteria;

— arsenic;

— barium;

— fluorides;

— nitrates and nitrites; and

— sulfates.

The laboratory shall give to the owner and forward to the Minister the results of the analyses of the water samples referred to in the first paragraph, within ten days of being drawn in the case of samples intended for controlling bacteria, or, in the case of samples intended for controlling other parameters, within 60 days of drawing the water.

The owner or operator of a catchment work referred to in the first paragraph shall ensure that water intended for human consumption complies with section 3 of the Regulation respecting the quality of drinking water made by Order in Council 647-2001 dated 30 May 2001.

16. The owner or operator of a catchment site able to provide a daily volume of at least 75 m^3 of groundwater shall enter in a register, at the end of each month, the quantity of water drawn.

In addition, where the capacity of the site is greater than 300 m^3 per day, the owner or operator shall, at the end of each month, enter in the register the level of the water that he measured in an observation well installed at a maximum distance of 100 m from the catchment work and in the same geological aquifer.

17. No person shall allow groundwater from a catchment work to gush at a rate of more than 15 m^3 per day.

18. Groundwater may be used for heating or air conditioning purposes only where the water is returned to its original aquifer in accordance with Standard CSA-C445-M92.

CHAPTER III
PERIMETERS OF PROTECTION

19. The owners and operators of catchment sites of spring water, mineral water or groundwater supplying more than 20 persons shall take the measures necessary to keep the quality of groundwater, in particular by delimiting a perimeter of immediate protection established at not less than 15 m from the catchment site.

A safety fence at least 1.8 m high shall be installed at the boundaries of the perimeter of immediate protection of a catchment site of spring water, mineral water or groundwater supplying more than one residence, except, in the latter case, if the work capacity is less than 75 m^3 per day. A notice shall be posted at the catchment site indicating the presence of a groundwater source intended for human consumption.

Within the perimeter of immediate protection, activities, installations or deposits of materials likely to contaminate groundwater are prohibited, except what is required, when installed safely to operate a catchment work.

The finishing grade, within the perimeter of immediate protection shall be carried out to prevent the infiltration of potentially contaminated water.

20. The owners and operators of groundwater catchment sites of spring water, mineral water or groundwater supplying more than 20 persons shall have the following documents signed by either an engineer member of the Ordre des ingénieurs du Québec or a geologist member of the Association professionnelle des géologues et géophysiciens du Québec:

(1) the plan showing the location of the two perimeters of immediate protection, which correspond to the portions of the supply area of the catchment site as defined respectively by using a migration time of groundwater over 550 days (virological protection) and over 200 days (bacteriological protection);

(2) the assessment of the vulnerability of groundwater within the perimeters defined in paragraph 1 by applying the DRASTIC method;

(3) the inventory of the activities and works located inside the perimeters defined in subparagraph 1 of the first paragraph that are likely to alter the microbiological quality of groundwater such as wastewater treatment systems, works or sites for the storing or spreading of livestock waste or farm compost, or feedlots.

The inventory referred to in subparagraph 3 of the first paragraph shall be kept up to date and the information listed in subparagraphs 1, 2 and 3 of that paragraph shall be available upon request of the Minister of the Environment.

Furthermore, a copy of the documents referred to in the first paragraph shall be given to the local municipality on which territory the catchment site is located. The municipality shall allow for those documents to be consulted.

CHAPTER IV
GROUNDWATER CATCHMENT SUBJECT TO THE MINISTER'S AUTHORIZATION

21. The following are subject to the authorization of the Minister:

(1) groundwater catchment projects having a daily capacity less than 75 m^3 intended to supply more than 20 persons;

(2) groundwater catchment projects that will be distributed or sold as spring water or mineral water or that will be an ingredient used in the fabrication, conservation or treatment announced as spring water or mineral water on a product within the meaning of the Food Products Act (R.S.Q., c. P-29) or on the package, container or label of such a product; and

(3) catchment projects of groundwater having a daily capacity of 75 m^3 or more or that will bring the daily capacity to more than 75 m^3.

22. Every application for authorization to carry out a project referred to in section 21 shall be submitted in writing and shall include the following information and documents:

(1) in the case of a natural person, his name, address and telephone number;

(2) in the case of a legal person, a partnership or an association, its name, the address of its head office, the office of the person signing the application and a certified copy of the document authorizing the application and the person signing it;

(3) the registration number assigned to the applicant, where he or it is registered in the register of sole proprietorships, partnerships and legal persons;

(4) in the case of a municipality, a certified copy of the document authorizing the application and the person signing it;

(5) the cadastral description of the lots on which the project will be carried out;

(6) the intended use of the water drawn;

(7) the forecast of the total flow rate in groundwater to be drawn for each month in a year;

(8) titles of ownership or rights of use of the lands situated within a perimeter of 15 m from the site where any catchment work of groundwater intended for human consumption will be installed.

23. Applications related to catchment projects of groundwater intended for human consumption having a daily capacity of 75 m^3 or more, to the projects intended for the sale of spring water or mineral water and those that can supply a daily volume of 300 m^3 shall be accompanied by a hydrogeological study containing

(1) a plan of the zone under examination, indicating the location of bore holes and stratigraphic drill holes, at a scale of between 1:2 000 and 1:5 000;

(2) a plan of the zone under examination, indicating the location of the existing catchment works within a radius of at least 1 km, at a scale of 1:20 000;

(3) a description of the hydrography, geology and hydrogeology of the area;

(4) the results of any geophysical surveys that may have been done;

(5) the geological log of each catchment work proposed;

(6) a plan showing a cross sectional view of the planned or already constructed catchment works contained in the project;

(7) a plan showing a cross sectional view of the observation well(s);

(8) the results of the sieve analyses;

(9) the results of pumping tests interpreted in accordance with the rules;

(10) the results, provided by a laboratory accredited by the Minister, of the analysis of water samples taken from the site for which a groundwater catchment work is planned for the purposes of providing water for human consumption. The analyzed parameters are those pertaining to the physical, chemical, radiochemical, biological and microbiological characteristics of the water in the case of a catchment project of spring water or mineral water; as for the other catchment projects of water intended for human consumption, the analyzed parameters are the same as those subject to the mandatory control provided for in the Regulation respecting the quality of drinking water as well as the following parameters:

— total alkalinity;

— chlorides;

— iron;

— orthophosphates;

— ammonia nitrogen;

— total hardness; and

— manganese;

(11) the results, provided by a laboratory accredited by the Minister, of the analysis of the water samples taken from the site for which a groundwater catchment work is planned for the purposes of providing water for human consumption. The analyzed parameters are the same as those indicated in section 15;

(12) an interpretation of the results obtained that make it possible to establish in particular:

— the flow rate potential of each catchment work proposed;

— the operating flow rate of each catchment work proposed;

— interference with surrounding catchment works, bodies of water and wetlands;

— assessment of the risks associated with identified activities; and

— proposed palliative measures.

The hydrogeological study shall be established under the signature of either an engineer member of the Ordre des ingénieurs du Québec or a geologist member of the Association professionnelle des géologues et géophysiciens du Québec.

24. Applications related to catchment projects of groundwater having a daily capacity less than 75 m^3 intended for supplying more than 20 persons shall be accompanied by a hydrogeological report containing

(1) a drilling report containing the information provided for in Schedule I;

(2) the results, provided by a laboratory accredited by the Minister, of the analysis of the water samples taken from the site for which a groundwater catchment work is planned. The analyzed parameters are the same as those submitted to the mandatory control prescribed by the Regulation respecting the quality of drinking water and the following parameters:

— total alkalinity;

— chlorides;

— iron;

— orthophosphates;

— ammonia nitrogen;

— total hardness; and

— manganese.

25. Applications related to catchment projects of groundwater having a daily capacity less than 75 m^3 or more but less than 300 m^3 and whose water is not intended for human consumption shall be accompanied by a hydrogeological report containing

(1) a drilling report containing the information listed in Schedule I;

(2) the results, provided by a laboratory accredited by the Minister, of the analysis of the water samples taken from the site for which a groundwater catchment work is planned. The analyzed parameters are the same as those indicated in section 15;

(3) the plan of the zone under examination, indicating the location of the existing wells and that of wells and drillings carried out for the purposes of the project, within a radius of at least 1 km, at a scale of 1:20 000;

(4) the results of pumping tests carried out and interpreted in accordance with the rules; and

(5) an interpretation of the results obtained that make it possible to establish in particular:

— the flow rate potential of each catchment work proposed;

— the operating flow rate of each catchment work proposed; and

— interference with surrounding catchment works, bodies of water and wetlands.

The hydrogeological report shall be established under the signature of either an engineer member of the Ordre des ingénieurs du Québec or a geologist member of the Association professionnelle des géologues et géophysiciens du Québec.

26. No person shall undertake or continue to draw groundwater on the territory of Îles-de-la-Madeleine unless he has obtained authorization from the Minister.

CHAPTER V
DRILLING

27. Any person who drills for the purposes of exploring for groundwater shall, on completion of the work, seal off the bore holes which have been drilled and which will not be used for the purposes of collecting or monitoring groundwater.

28. Every application for a drilling permit shall be made on the form provided by the Minister and shall be made by the holder of a well drilling contractor's licence issued by the Régie du bâtiment du Québec.

29. Every application for renewal of a permit shall be made no later than 1 March each year on the form provided by the Minister.

30. Every application for a permit or for renewal of a permit shall include a postal money order or a certified cheque for $100, made out to the Minister of Finance.

CHAPTER VI
PENAL

31. Any person who contravenes the provisions of sections 2 , 4 to 8, 10, 11, 13 to 16 commits an offence and is liable to a fine of

(1) $500 to $5 000, in the case of a natural person; or

(2) $1 000 to $20 000, in the case of a legal person.

32. Any owner or operator of a catchment work or owner of a catchment site who contravenes the provisions of sections 3, 9, 12, 17 to 21 or 26 commits an offence and is liable to a fine of

(1) $2 000 to $15 000, in the case of a natural person; or

(2) $5 000 to $100 000, in the case of a legal person.

33. Any person who contravenes section 27 commits an offence and is liable to the fine prescribed in section 32.

34. The fines prescribed in sections 31, 32 and 33 shall be doubled in the case of a subsequent offence.

CHAPTER VII
TRANSITIONAL AND FINAL

35. Local municipalities are responsible for the application of sections 2 to 11, 13 , 14, 16 to 18, 20, 27 and 36.

36. Notwithstanding section 3, where, on (*enter the date of coming into force of this Regulation*), there is, in respect of a land, a main construction duly authorized by a municipality but whose dimensions do not comply with the distances applicable to a catchment work referred to in the second paragraph of the same section, either a tube well that complies with the standards of paragraphs 1, 2 and 3 of section 5 or a surface well or a well point may be installed on such land if, during the flow rate test prescribed by section 13, water in sufficient quantity to meet the domestic needs cannot be drawn from a tube well.

37. A person who, on (*enter the date of coming into force of this Regulation*), owns a groundwater catchment site intended for heating or air conditioning purposes shall, within four years, allow the water to return to the original aquifer in accordance with the provisions of section 18.

38. Notwithstanding section 19, the perimeter of immediate protection of a catchment site existing on (*enter the date of coming into force of this Regulation*) may be established at not less than 15 m, taking into account the present obstacles, such as the dimension of the land, a road, a dwelling.

39. The application referred to in section 26 related to the authorization to continue to draw groundwater in Îles-de-la-Madeleine shall be made in writing no later than (*enter the anniversary date of the coming into force of this Regulation*) and contain the information listed in section 22.

40. The owner of a catchment work that can provide a volume of at least 75 m^3 of groundwater per day shall send to the Minister, no later than (*enter the anniversary date of the coming into force of this Regulation*), a notice indicating the location of any catchment work, the use of that water, the volume of water drawn daily and the number of days per year when water is drawn. He shall also notify the Minister of any change that may cause the notice to be inaccurate or incomplete.

41. This Regulation applies in particular to a reserved area or an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

42. The Regulation respecting waste water disposal systems for isolated dwellings[1] is amended by substituting the following lines for the first line of the table of paragraph *d* of the first paragraph of section 7.2, starting with "Well or source" :

"

Tube well that is 6 m deep or more and installed in accordance with the prescriptions of paragraphs 1, 2 and 3 of section 4 of the Regulation respecting groundwater catchment (*enter the date and number of the Order in Council that made the Regulation*)	15
Other well or source used as water supply	30

".

43. The Regulation respecting the reduction of pollution from agricultural sources[2], is amended

(1) by inserting the following in section 3 after "parcel" :

""perimeter of immediate protection" means the perimeter of immediate protection against bacteriological risks referred to in subparagraph 1 of the first paragraph of section 20 of the Regulation respecting groundwater catchment (*enter the number and date of the Order in Council that made the Regulation*) ;" ;

(2) by substituting "more than one residence or used to produce spring water or mineral water within the meaning of the Regulation respecting bottled water R.R.Q., 1981, c. Q-2, r. 5)" for "2 or more dwellings" in paragraph 2 of section 7 ;

(3) by adding the following paragraph at the end of section 7 :

"The spreading of livestock waste and farm compost is prohibited in the perimeter of immediate protection of a groundwater catchment site." ;

(4) by adding "and in section 7" at the end of the second paragraph of section 8 ;

(5) by adding "or the larger areas determined by the agro-environmental fertilization plan" at the end of the third item of the second paragraph of section 20 ;

(6) by adding "and its perimeter of immediate protection" at the end of paragraph 3 of section 27 ;

(7) by substituting "from a spring, a well or an individual surface water intake" for "from a spring, a well or a water intake" in subparagraph *a* of paragraph 1 of section 45 ;

(8) by adding the following paragraph at the end of section 45 :

"(6) the facility must not be located within the perimeter of immediate protection of a groundwater catchment site.".

44. This Regulation replaces the Regulation respecting underground waters (R.R.Q., 1981, c. M-13, r. 3).

45. The Minister of the Environment shall, no later than 15 June 2006, and every five years thereafter, submit a report to the Government on the application of this Regulation.

The report shall be made public no later than fifteen days after it has been submitted to the Government.

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[1] The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r. 8) was last amended by the Regulation made by Order in Council 1217-2000 dated 18 October 2000 (2000, *G.O.* 2, 5243). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

[2] The Regulation respecting the reduction of pollution from agricultural sources, made by Order in Council 742-97 dated 4 June 1997 (1997, *G.O.* 2, 2607) was last amended by the Regulation made by Order in Council 1004-2000 dated 24 August 2000 (2000, *G.O.* 2, 4481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

46. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 20 that comes into force on (*enter the date of the second anniversary of the coming into force of this Regulation*).

SCHEDULE I
(ss. 14, 24 and 25)

DRILLING REPORT

The following information shall be entered in the drilling report that must be made under the signature of the well driller or qualified person:

(1) name of the owner of the site on which the catchment work is installed;

(2) address of the site on which the catchment work is installed;

(3) cadastral description of the land on which the catchment work is installed;

(4) location of the catchment work:

— No. of topographical map at a scale of 1:50 000;

— UTM coordinates: X and Y;

— UTM zone;

(5) sketch indicating location and distance from

— soil absorption system;

— road;

— house;

— building;

(6) date of installation of catchment work;

(7) class of catchment work:

— tube well;

— shallow well;

— well point;

(8) drilling method:

— rotary;

— cable tool;

— diamond;

— back-digging shovel;

— earth auger;

— driven wells;

(9) casing length and diameter;

(10) strainer length, diameter and opening, where applicable;

(11) nature and thickness of the geological formations encountered;

(12) depth of main water intakes;

(13) presence of natural gas;

(14) other information to be supplied by a person who drills or deepens a tube well:

— number of water drilling permit (WDP);

— number of licence issued by the Régie du bâtiment du Québec;

— flow rate of catchment work;

— water level before pumping (static level) and at end of pumping (dynamic level);

— uration of pumping;

— pumping method;

— installation of drive shoe;

— the intended use of the water drawn;

— total flow rate of groundwater forecasted to be drawn monthly and annually.

4317

Draft Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Regulation
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Health Insurance Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following the date of this publication.

The purpose of the draft Regulation is to alter the coverage of mammography services for detection purposes and ultrasonography services.

To that end, the draft Regulations provides for the availability of mammography services for detection purposes to women of 35 years of age or older, eliminates the existing condition that women less than 50 years of age show a risk factor and reduces to one year the current 2-year interval between examinations.

The draft Regulation also provides for the availability of certain ultrasonography services for obstetrical purposes in local community service centres (CLSCs) designated for that purpose, in addition to the services presently rendered in hospital centres.

The impact of the proposed amendments will be to extend the coverage of mammography services for detection purposes and to make those services more available in order to reduce the breast cancer death rate. Diagnostic mammography services will remain insured as long as a medical prescription is provided, as is already the case. The amendments will also improve the coverage of ultrasonography services by increasing the number of places where they may be rendered.

Further information may be obtained by contacting Me Andrée Marien, Régie de l'assurance maladie du Québec, 1125, chemin Saint-Louis, dépôt 84, Sillery (Québec) G1S 1E7, tel.: (418) 682-5172, fax: (418) 643-7312.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

RÉMY TRUDEL,
Minister of State for Health and Social Services and Minister of Health and Social Services

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Regulation to amend the Regulation respecting the application of the Health Insurance Act [*]

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *b*, *b*.1 and *b*.3)

1. Section 22 of the Regulation respecting the application of the Health Insurance Act is amended

(1) by substituting the following for subparagraph ii of paragraph *o*:

"ii. mammography for detection purposes, unless that service is rendered by medical prescription, in a place designated by the Minister, to an insured person 35 years of age or older and provided that the person has not been so examined for one year;";

(2) by adding the following words at the end of paragraph *q*: "or is rendered for obstetrical reasons, in a facility maintained by an institution which operates a local community service centre referred to in Schedule D".

2. Schedule D attached to this Regulation is inserted after Schedule C to the Regulation.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE D
(s. 22, par. *q*)

LOCAL COMMUNITY SERVICE CENTRES WHERE ULTRASONOGRAPHY IS CONSIDERED AN INSURED SERVICE

1. The Centre local de services communautaires des Faubourgs, region 06.

2. The Centre local de services communautaires Rivière-des-Prairies, region 06.

3. The Centre local de services communautaires Drummond, region 04.

4. The Centre local de services communautaires Lamater, region 14.

[*] The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) was last amended by the Regulation made by Order in Council 554-2001 dated 9 May 2001 (2001, *G.O.* 2, 2220). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

5. The Centre local de services communautaires Joliette, region 14.

6. The Centre local de services communautaires la Presqu'île, region 16.

4319

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Compensations in lieu of taxes — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting compensations in lieu of taxes, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting compensations in lieu of taxes in order to, on the one hand, adjust the meaning of "aggregate taxation rate" so that it may enable, in addition to the new municipal accounting standards, a local municipality to use the multiple rate scheme as a substitute for the surtax or tax on non-residential immovables and, on the other hand, to translate into facts certain acts that came into force in 1999 and 2000.

To that end, the draft Regulation first proposes rules that may determine the part of the revenues from general property tax that is not taken into consideration in establishing the aggregate taxation rate where the municipality uses the multiple rate scheme as a substitute for the surtax or tax on non-residential immovables. Then, it proposes to withdraw the requirement according to which the taxes, compensations and modes of tariffing must be levied during a fiscal year so that the revenues that derive therefrom may be taken into consideration in establishing the aggregate taxation rate for that fiscal year. Lastly, it replaces concepts such as "place of business" and "Crown in right of Québec" that have been obsolete since the harmonization of the public laws with the Civil Code of Québec.

To date, study of the matter has shown no impact on the public and on businesses.

Further information may be obtained by contacting André Carrier, 10, rue Pierre-Olivier-Chauveau, 3e étage, Québec (Québec) G1R 4J3 ; telephone : (418) 691-2030 ; fax : (418) 644-6725.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal, 10, rue Pierre-Olivier-Chauveau, 4e étage, Québec (Québec) G1R 4J3.

LOUISE HAREL,
Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal

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Regulation to amend the Regulation respecting compensations in lieu of taxes*

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 2)

1. The heading of section 1 of the Regulation respecting compensations in lieu of taxes is amended by substituting the words "BUSINESS ESTABLISHMENTS" for the words "PLACES OF BUSINESS".

2. Section 1 is amended

(1) by substituting the words "in the domain of the State" for the words "in the public domain" in subparagraph 7 of the first paragraph ;

(2) by substituting the words "the State" for the words "the Crown in right of Québec" in subparagraph 1 of the second paragraph ; and

(3) by substituting the words "in the domain of the State" for the words "in the public domain" in the third paragraph.

3. Section 2 is amended by substituting the words "business establishments" for the words "places of business".

4. Section 4 is amended

(1) by substituting the following for the first paragraph :

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* The Regulation respecting compensations in lieu of taxes, made by Order in Council 1086-92 dated 22 July 1992 (1992, *G.O.* 2, 4058) was last amended by the Regulation made by Order in Council 313-99 dated 31 March 1999 (1999, *G.O.* 2, 476). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

"**4.** For the purposes of establishing the aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year in question and that come from the following shall be taken into consideration:

(1) municipal property taxes imposed for that fiscal year;

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, by reason of the fact that that person is the owner, lessee or occupant of an immovable."; and

(2) by adding the following after the third paragraph:

"The part of the revenues from the general property tax established according to section 4.1, where the municipality has, under section 244.29 of the Act, fixed for the fiscal year in question a rate specific to the category provided for in section 244.33 of the Act, shall not be taken into consideration.".

5. The following is inserted after section 4:

"**4.1.** The part of the revenues from the general property tax not taken into consideration for the purposes of establishing the aggregate taxation rate, as contemplated in the fourth paragraph of section 4, is the difference obtained by subtracting from the amount provided for in subparagraph 1 the amount provided for in subparagraph 2 of the first paragraph:

(1) the amount from which the other amount is subtracted is the amount of the revenues that derive from the imposition of the tax on units of assessment belonging to any category provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation; and

(2) the amount that is subtracted from the other amount is the amount of the revenues that would derive from the imposition of the tax on units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied, or, where the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate established in accordance with the second paragraph.

The average rate is obtained by dividing the amount provided for in subparagraph 1 by the amount provided for in subparagraph 2 of the second paragraph:

(1) the amount to be divided is the amount of the revenues that meet the following requirements:

(a) they derive from the imposition of a tax on units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to establish the amount of the tax; and

(b) they result from the application of all or part of a rate referred to in clause *a*; and

(2) the divisor amount is the amount of the taxable values of the units of assessment referred to in clause *a* of subparagraph 1 of the second paragraph, as determined by taking into account, for a unit in respect of which only a percentage of a rate referred to in that clause is applied, solely the percentage corresponding to its taxable value.

The second paragraph of sections 3 and 5 shall apply, *mutatis mutandis,* for the purposes of establishing the average rate.".

6. Section 6 is amended

(1) by inserting the words "and Greater Montréal" after the word "Affairs" in the first paragraph;

(2) by substituting the words "business establishment of which it or the State" for the words "place of business of which it or the Crown in right of Québec" in the second paragraph; and

(3) by substituting the words "aucun d'eux" for the words "aucune d'elles" in the second paragraph of the French text.

7. Section 7 is amended by substituting the word "réputée" for the word "censée" in the third paragraph of the French text.

8. Section 9 is amended

(1) by inserting the words "and Greater Montréal" after the word "Affairs" in the first paragraph;

(2) by substituting the word "réputée" for the word "censée" in the third paragraph of the French text; and

(3) by substituting the word "réputé" for the word "censé" in the fourth paragraph of the French text.

9. Section 10 is amended by inserting "and in subparagraph 1 of the first two paragraphs of section 4.1" in subparagraph 1 of the first paragraph and after number "4".

10. Section 12 is amended by substituting the word "réputé" for the word "censé" in the third paragraph of the French text.

11. Section 14 is amended by substituting the word "réputée" for the word "censée" in the third paragraph of the French text.

12. Section 18 is amended by striking out "or 15" in the second paragraph.

13. Section 19 is amended by striking out "4 or" in the first paragraph.

14. Section 30 is amended by substituting "4 to 5" for "4 and 5" in the second paragraph.

15. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4301

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Equalization scheme
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the equalization scheme, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the equalization scheme in order to, on the one hand, take into account the increase of the real estate value of municipalities following the increase in compensations in lieu of taxes paid in respect of educational, health and social services immovables and, on the other hand, to adjust the meaning of "standardized aggregate taxation rate" so that it may enable, in addition to the new municipal accounting standards, a local municipality to use the multiple rate scheme as a substitute for the surtax or tax on non-residential immovables.

To that end, the draft Regulation first proposes to replace the percentages currently prescribed, which determine the portion of the value of any educational, health and social services immovable that comes under the standardized property value of the local municipality where the immovable is located, by the percentages that the Minister of Municipal Affairs and Greater Montréal must henceforth fix for that purpose under the Act respecting municipal taxation. The draft Regulation then proposes to make the rules that will determine the portion of the revenues of the general property tax that is not taken into account in the establishment of the standardized aggregate taxation rate where the municipality uses the multiple rate scheme as a substitute for the surtax or tax on non-residential immovables. Lastly, the draft Regulation proposes to withdraw the requirement according to which the taxes, compensations and modes of tariffing must be levied during a fiscal year so that the revenues that derive therefrom may be taken into account in establishing the standardized aggregate taxation rate for that fiscal year.

To date, study of the matter has shown no impact on the public and on businesses.

Further information may be obtained by contacting André Carrier, 10, rue Pierre-Olivier-Chauveau, 3e étage, Québec (Québec) G1R 4J3 ; telephone : (418) 691-2030 ; fax : (418) 644-6725.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal, 10, rue Pierre-Olivier-Chauveau, 4e étage, Québec (Québec) G1R 4J3.

LOUISE HAREL,
Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal

Regulation to amend the Regulation respecting the equalization scheme*

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 7 ; 2000, c. 27, s. 10)

1. Section 5 of the Regulation respecting the equalization scheme is amended

(1) by substituting the following for paragraphs 7 and 8 :

* The Regulation respecting the equalization scheme, made by Order in Council 1087-92 dated 22 July 1992 (1992, *G.O.* 2, 4065) was last amended by the Regulation made by Order in Council 1133-97 dated 3 September 1997 (1997, *G.O.* 2, 4587). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

"(7) in the case of immovables contemplated in the second, third or fourth paragraph of section 255 of the Act respecting municipal taxation, the part of their standardized non-taxable values which corresponds to the percentage fixed in their respect by the Minister of Municipal Affairs and Greater Montréal, under section 261.3.1 of the Act, for the fiscal year for which the standardized property value is established" ;

(2) by substituting "to 9.1" for "and 9" in paragraph 9.

2. Section 6 is amended

(1) by substituting "7" for "8" in the first paragraph ;

(2) by inserting the words "and Greater Montréal" after the word "Affairs" in the third paragraph ;

(3) by adding the following after the third paragraph :

"Where the Minister has fixed for the fiscal year, under section 261.3.1 of the Act, different percentages according to the category of immovables referred to in any of the second, third and fourth paragraphs of section 255 of the Act, the information related to the values referred to in paragraph 7 of section 5 of this Regulation must be broken down according to the category.".

3. Section 9 is amended

(1) by substituting the following for the first paragraph :

"**9.** For the purposes of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year in question and that come from the following shall be taken into consideration :

(1) municipal property taxes imposed for that fiscal year ;

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, by reason of the fact that that person is the owner, lessee or occupant of an immovable." ;

(2) by adding the following after the third paragraph :

"The part of the revenues from the general property tax established according to section 9.1, where the municipality has, under section 244.29 of the Act, fixed for the fiscal year in question a rate specific to the category provided for in section 244.33 of the Act, shall not be taken into consideration.".

4. The following is inserted after section 9 :

"**9.1.** The part of the revenues from the general property tax not taken into consideration for the purposes of establishing the standardized aggregate taxation rate, as contemplated in the fourth paragraph of section 9, is the difference obtained by subtracting from the amount provided for in subparagraph 1 the amount provided for in subparagraph 2 of the first paragraph :

(1) the amount from which the other amount is subtracted is the amount of the revenues that derive from the imposition of the tax on units of assessment belonging to any category provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation ;

(2) the amount that is subtracted from the other amount is the amount of the revenues that would derive from the imposition of the tax on units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied, or, where the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate established in accordance with the second paragraph.

The average rate is obtained by dividing the amount provided for in subparagraph 1 by the amount provided for in subparagraph 2 of the second paragraph :

(1) the amount to be divided is the amount of the revenues that meet the following requirements :

(a) they derive from the imposition of a tax on units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to establish the amount of the tax ;

(b) they result from the application of all or part of a rate referred to in clause *a* ;

(2) the divisor amount is the amount of the taxable values of the units of assessment referred to in clause *a* of subparagraph 1 of the second paragraph, as determined by taking into account, for a unit in respect of which only a percentage of a rate referred to in that clause is applied, solely the percentage corresponding to its taxable value.

The second and third paragraphs of section 6 and the second paragraph of section 8 shall apply, *mutatis mutandis*, and in particular considering the non-standardization of the taxable values, for the purposes of establishing the average rate.".

5. Section 11 is amended

(1) by inserting the words "and Greater Montréal" after the word "Affairs" in the first paragraph;

(2) by substituting "9.1" for "9" in the third and fourth paragraphs.

6. Section 12 is amended by substituting the word "réputé" for the word "censé" in the French text.

7. Section 20 is amended

(1) by substituting the words "Ville de Laval, Ville de" for the words "including those of Laval and";

(2) by substituting "9.1" for "9" in clause *a* of subparagraph 2 of the first paragraph.

8. Section 24 is amended by inserting the words "and Greater Montréal" after the word "Affairs".

9. Section 26 is amended by striking out "or 4" in the second paragraph.

10. For the purposes of determining whether a local municipality is eligible for the equalization scheme and of establishing the equalization amount payable, where the standardized property value used is that which is established for a fiscal year prior to 2001, paragraphs 7 and 8 of section 5 and the first paragraph of section 9 of the Regulation respecting the equalization scheme, as they existed before the coming into force of this Regulation, shall apply rather than the provisions of paragraph 1 of section 1, paragraph 3 of section 2 and paragraph 1 of section 3 of this Regulation.

In such cases, the first paragraph of section 6 of the Regulation respecting the equalization scheme, as it existed prior to the coming into force of this Regulation, shall apply rather than the paragraph as amended by paragraph 1 of section 2 of this Regulation.

Notwithstanding the foregoing, the first paragraph of section 9 of the Regulation respecting the equalization scheme, as made by paragraph 1 of section 3 of this Regulation, shall apply for the purposes of establishing the equalization amount payable for every fiscal year starting in 2001, to the only extent that the revenues to which section 9 refers are used in the computation of the basic equalization amount under the second paragraph of section 16 of the Regulation respecting the equalization scheme.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4302

Draft Regulation

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*)

Land surveyors
— Standards of equivalence for diplomas and training for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that, at its meeting of 26 and 27 April 2001, the Bureau of the Ordre des arpenteurs-géomètres du Québec adopted the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Pursuant to the same section, it will then be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

According to the Ordre des arpenteurs-géomètres du Québec, the Regulation

(1) specifies, pursuant to paragraph *c* of section 93 of the Professional Code, the standards of equivalence for diplomas issued by educational establishments outside Québec for the purposes of issuing a permit and the standards of equivalence for the training of a person who does not hold a diploma required for that purpose;

(2) has no impact on businesses, whether small and medium-sized businesses or other.

Further information on the proposed Regulation may be obtained by contacting Luc St-Pierre, Director General and Secretary, Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Sainte-Foy (Québec) G1V 4T2, by telephone at (418) 656-0730 or by fax at (418) 656-6352.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that adopted the Regulation and to interested persons, departments or agencies.

JEAN-K. SAMSON,
Chairman of the Office des professions du Québec

Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*)

DIVISION I
GENERAL

1. This Regulation applies to any person who does not hold a diploma giving access to a permit issued by the Ordre des arpenteurs-géomètres du Québec and who is requesting that, for the purposes of obtaining a permit, a diploma issued by an educational establishment outside Québec be recognized as equivalent.

It also applies to any person who neither holds a diploma giving access to a permit, nor a diploma issued by an educational establishment outside Québec that could be recognized as equivalent under this Regulation and who is requesting, for the purposes of obtaining a permit, that the training received in Québec or outside Québec be recognized as equivalent to that diploma.

2. In this Regulation,

"diploma giving access to the permit" means a diploma recognized as giving access to the permit issued by the Order, by a government regulation made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

"diploma equivalence" means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a diploma issued by an educational establishment outside Québec certifies that its holder has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit;

"training equivalence" means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a person's training demonstrates that he has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit.

3. The secretary of the Order shall forward a copy of this Regulation to any person who requests diploma or training equivalence in order to obtain a permit from the Order.

DIVISION II
EQUIVALENCE STANDARDS FOR DIPLOMAS

4. A person who holds a diploma issued by an educational establishment outside Québec shall be granted a diploma equivalence if his diploma was obtained upon completion of undergraduate studies comprising a minimum of 120 training credits, with each credit corresponding to 45 hours of course attendance or personal work. At least 108 of the 120 credits must be apportioned as follows:

(1) at least 14 credits in geometry and senior mathematics;

(2) at least 24 credits in civil law, land law (cadastral survey and land surveying) and Québec administrative and municipal law;

(3) at least 25 credits in cartography, topometry, photogrammetry and remote sensing;

(4) at least 6 credits in company management and land use planning;

(5) at least 15 credits in geodesy, hydrography and metrology;

(6) at least 9 credits in data processing, data base and geographic information systems management; and

(7) at least 15 credits on the subjects referred to in paragraphs 1 to 6.

DIVISION III
EQUIVALENCE STANDARDS FOR TRAINING

5. A person shall be granted a training equivalence if he has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit.

6. In appraising the training presented in support of an application for training equivalence, the Bureau of the Order shall take all the following factors into account, in particular:

(1) the fact that the person holds one or more college or undergraduate diplomas obtained in Québec or elsewhere;

(2) the type of courses taken and course content, the number of related credits and the marks obtained;

(3) the total years of education;

(4) the training sessions and other continuing professional training or upgrading activities engaged in;

(5) the relevant work experience;

(6) the fact that the person was a member of a recognized association of surveyors, land surveyors or building surveyors and that he held a permit to practise and in due form;

(7) any contribution to the advancement of the profession, estate in land or geomatics.

DIVISION IV
PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE

7. A person who applies for a diploma or training equivalence to obtain a permit issued by the Order shall provide the secretary of the Order with the following documents and information:

(1) a written application, along with the fees prescribed for the examination of the application pursuant to paragraph 8 of section 86.0.1 of the Professional Code;

(2) his academic record, including a description of the courses taken, the number of course hours completed or credits obtained and an official transcript of the marks obtained;

(3) a true copy of any diploma he holds;

(4) where applicable, authentic or certified proof that he was a member of a recognized association of surveyors, land surveyors or building surveyors, or a true copy of any permit to practise that he held;

(5) where applicable, a document attesting to his relevant work experience in the field of land surveying or in the field of the management of spatially referenced data bases, with a description thereof;

(6) where applicable, a document attesting to the person's participation in a training or professional development session and successful completion of that training session;

(7) where applicable, a document attesting to any additional training received during the last five years; and

(8) where applicable, any information related to the factors that the Bureau of the Order may take into account pursuant to section 6.

Where documents submitted in support of an application for recognition of an equivalence are written in a language other than French or English, the applicant shall provide a French translation of the documents, attested by an accredited translator or by a sworn statement of the person who did the translation.

8. The secretary of the Order shall send the documents and information referred to in section 7 to a committee formed by the Bureau of the Order in accordance with paragraph 2 of section 86.0.1 of the Professional Code for the purposes of examining applications for equivalence and making an appropriate recommendation to the Bureau of the Order.

For the purposes of making an appropriate recommendation, the committee may require that the applicant do one or more of the following: pass an examination, successfully complete a training session or do both.

9. At its first meeting following the date of receipt of the committee's recommendation, the Bureau of the Order shall decide whether or not the person shall be granted a diploma or training equivalence.

The secretary of the Order shall inform the person in writing of the Bureau's decision by sending it by registered mail within 15 days of the date the decision is made.

Where the equivalence is granted, the secretary of the Order shall issue a document, in the name of that person, attesting to the recognition of the equivalence of the diploma he holds or of the training that he has received.

Where the Bureau of the Order decides not to grant a diploma or training equivalence, the secretary of the Order shall, on the same occasion, inform the person in writing of the programs of study leading to a diploma giving access to the permit or of additional training that should be successfully completed within the time period indicated by the Bureau, taking into account the candidate's level of knowledge and skills at the time of his application, for the training equivalence to be granted.

10. Where the Bureau of the Order does not recognize a diploma or training equivalence, the person may apply to the Bureau for review of the decision and for a hearing. The person shall send a written application to that effect to the secretary of the Order within 30 days of the mailing of the Bureau's decision.

The secretary of the Order shall convene the applicant by means of a notice sent by registered mail not less than ten days before the date of the regular meeting of the Bureau following the date of receipt of the application for a hearing.

The Bureau shall hear the person and shall review its decision if necessary. The Bureau's decision is final and shall be sent to the person in writing by registered mail within 30 days following the date it is made.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4300

Draft Regulation

Cinema Act
(R.S.Q., c. C-18.1)

Regulatory offences as regards the cinema — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting regulatory offences as regards the cinema, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting regulatory offences as regards the cinema so as to harmonize it with the amendment made to the Regulation respecting licences to operate premises where films are exhibited to the public, distributor's licences and video material retail dealer's licences which changes the standards for affixing attestations of filing certificates.

To date, study of the matter has shown no impact on businesses and in particular small and medium-sized businesses.

Further information may be obtained by contacting Yvan Fortin, Direction des médias et des télécommunications, Ministère de la Culture et des Communications, 225, Grande-Allée Est, Québec (Québec) G1R 5G5, telephone : (418) 380-2307, extension 7368 or fax : (418) 380-2308.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Culture and Communications, 225, Grande-Allée Est, bloc A, 1er étage, Québec (Québec) G1R 5G5.

DIANE LEMIEUX,
Minister of State for Culture and Communications and Minister of Culture and Communications

Regulation to amend the Regulation respecting regulatory offences as regards the cinema*

Cinema Act
(R.S.Q., c. C-18.1, s. 168, 1st par., subpar. 11)

1. Section 1 of the Regulation respecting regulatory offences as regards the cinema is amended by substituting "28.2" for "28".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4315

Draft Regulation

An Act respecting tourist accommodation establishments
(R.S.Q., c. E-15.1)

Tourist accommodation establishments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting tourist accommodation establishments, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation, in particular, is to define the expression "tourist accommodation establishment" and to determine the classes on the basis of which tourist accommodation establishments are classified as well as the classes of tourist accommodation establishments that are not subject to certain provisions of the Act. It also prescribes the conditions applicable to applications for a classification certificate and determines the form of the classification certificates and the locations where they are to be posted as well as the accommodation rates.

The Regulation, which replaces the Regulation respecting tourist establishments, will result in substantial savings for the majority of operators of tourist accommodation establishments, particularly those operating small businesses, and will ease the regulatory and administrative burden on the operators of tourist establishments governed by the replaced Regulation.

* The Regulation respecting regulatory offences as regards the cinema was made by Order in Council 1343-92 dated 16 September 1992 (1992, *G.O.* 2, 4439).

Further information may be obtained by contacting Michel Stewart, Director General, Direction générale des régions et des produits touristiques, Tourisme Québec, 900, boulevard René-Lévesque Est, 3e étage, Québec (Québec) G1R 2B5 ; telephone : (418) 643-2448.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Tourism, Recreation and Sport, 900, boulevard René-Lévesque Est, 3e étage, Québec (Québec) G1R 2B5.

GILLES BARIL,
Minister of State for Regions and Minister of Industry and Trade

RICHARD LEGENDRE,
Minister for Tourism, Recreation and Sport

Regulation respecting tourist accommodation establishments

An Act respecting tourist accommodation establishments
(R.S.Q., c. E-15.1, ss. 6, 7, 8, 9, 30, 32 and 36, par. 16 ; 2000, c.10, ss. 4, 5, 6, 7, 13, 14 and 15)

DIVISION I
DEFINITIONS

1. The expression “tourist accommodation establishment” includes any business operated year-round or seasonally that, through advertisements in the media or in public places, offers for rent to tourists at least one accommodation unit for periods not exceeding 31 days.

Units rented on an occasional basis are not included in the above definition.

2. The expression “accommodation unit” includes a room, a bed, an apartment, a house, a cottage, a camp, a framed tent square, a wigwam or a camp site.

3. A cottage is a building with one or more rooms separated from the kitchen.

4. A camp is a building with only one room and can accommodate a maximum of six persons.

5. A framed tent square is an installation equipped with a floor and fixed half-walls.

6. A wigwam is an installation whose cone- or dome-shaped walls are attached to supports.

DIVISION II
CLASSES OF TOURIST ACCOMMODATION ESTABLISHMENTS

7. Tourist accommodation establishments are classified as follows :

(1) “hotel establishments”, which include establishments that do not belong to any of the classes listed below and that offer accommodation in an immovable or in several adjacent immovables making up a whole ;

(2) “tourist homes”, which include establishments that offer accommodation solely in apartments, houses or cottages that are furnished and have kitchen facilities ;

(3) “rugged furnished lodgings”, which include establishments that offer accommodation solely in camps, framed tent squares or wigwams ;

(4) “resorts” which include establishments that offer, for an all-inclusive price, accommodation, food services or kitchen facilities, recreational or group activities and recreational facilities and equipment ;

(5) “bed and breakfast establishments”, which include private residences and their outbuildings that the owners or occupants operate as an accommodation establishment that rents a maximum of five rooms, with breakfast served on the premises and included in the rental price ;

(6) “hospitality villages”, which include establishments that offer, for an all-inclusive price, reception and group activities, accommodation, breakfast and the noon or evening meal at the domicile of families receiving a maximum of six persons ;

(7) “youth hostels”, which include establishments that offer accommodation in rooms or dormitories whose unit may be the bed or the room, food services or kitchen facilities and full-time supervision ;

(8) “educational institutions”, which include the educational institutions, governed by whichever Act, that offers accommodation ;

(9) “outfitting operations”, which include outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1) ;

(10) “camping establishments”, which include establishments that offer services and permanent sites to accommodate tents or recreational camping vehicles, motorized or not.

DIVISION III
CLASSES OF TOURIST ACCOMMODATION ESTABLISHMENTS NOT SUBJECT TO CERTAIN PROVISIONS OF THE ACT

8. Tourist accommodation establishments of the class “educational institution”, if the accommodation units are rented only to their students, and those of the classes “rugged furnished lodgings” and “outfitting operations” are not subject to the requirement to hold a classification certificate prescribed in section 6 of the Act respecting tourist accommodation establishments (R.S.Q., c. E-15.1).

9. Tourist accommodation establishments of the classes “resorts” and “hospitality villages” are not subject to the requirement to post the accommodation rates prescribed in section 30 of that Act.

DIVISION IV
APPLICATION FOR A CLASSIFICATION CERTIFICATE

10. Any application for a classification certificate must be submitted to the Minister in writing; it shall indicate the name, address and telephone number of the person who is submitting it and, if applicable, those of the person’s representative and it shall be duly signed by them.

11. Any application for the renewal of a classification certificate shall be made at least two months before the expiry date of the certificate.

DIVISION V
CLASSIFICATION CERTIFICATE

12. The classification certificate shall take the form of a sign indicating the name of the accommodation establishment, it class and the results of the classification.

DIVISION VI
TERM OF CERTAIN CLASSIFICATION CERTIFICATES

13. The term of a classification certificate fixed at 24 months in section 9 of the Act may be extended to 48 months by the Minister for educational institutions.

DIVISION VII
POSTING

14. The sign attesting to the classification of a tourist accommodation establishment shall be permanently posted in a conspicuous place outside the establishment.

15. The accommodation rate of a tourist accommodation establishment shall be permanently posted conspicuously in a location used to welcome and register guests.

16. Any sign or poster bearing the expression “tourist information” or the pictograms “?” or “I” shall be posted in a conspicuous place outside the tourist information office.

DIVISION VIII
COMING INTO FORCE

17. This Regulation replaces the Regulation respecting tourist establishments, made by Order in Council 747-91 dated 29 May 1991.

18. Sections 1 to 7 and 16 of this Regulation come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Sections 8 to 15 and 17 come into force, for each class of establishment, on the date of publication in the *Gazette officielle du Québec* of the notice of approval by the Minister of the classification criteria for each category.

4318

Municipal Affairs

Gouvernement du Québec

O.C. 631-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Ville de Mont-Joli and Municipalité de Saint-Jean-Baptiste

WHEREAS each of the municipal councils of Ville de Mont-Joli and Municipalité de Saint-Jean-Baptiste adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Mont-Joli and Municipalité de Saint-Jean-Baptiste, on the following conditions:

1. The name of the new town shall be “Ville de Mont-Joli”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 26 March 2001; that description appears as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the new town shall be part of the territory of Municipalité régionale de comté de La Mitis.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council. An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality of the council on which there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that becomes vacant on the provisional council, after that coming into force, that was up to that time occupied by a member of the council of that former municipality. Where one of the mayors’ seats is vacant, the votes and duties of the latter shall devolve on a councillor chosen by and among the members of the provisional council who were members of the council of the former municipality in question.

6. The mayor of the former Ville de Mont-Joli and the mayor of the former Municipalité de Saint-Jean-Baptiste shall act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council to the last day of the month in which it came into force, at which moment the roles will be reversed for the following month, and so on, according to that alternation principle, to the moment when the term of the new mayor elected in the first general election begins. Until that moment, they shall continue to sit on the council of Municipalité régionale de comté de La Mitis and they shall have the same number of votes as before the coming into force of this Order in Council.

The majority of members in office at any moment shall constitute the quorum of the provisional council.

The by-law respecting the salary of the elected members of the former Ville de Mont-Joli shall apply to the members of the provisional council.

7. The first sitting of the provisional council shall be held at the town hall of the former Ville de Mont-Joli.

8. The first general election shall be held on the first Sunday of the sixth month following the month of the coming into force of this Order in Council, except if that Sunday corresponds to the first Sunday of January, in which case the first general election shall be postponed to the first Sunday of the following month, and except if that Sunday corresponds to the first Sunday of July or August, in which case the election shall be held on the third Sunday of September. The second general election shall be held in 2005.

For the first two general elections, the council of the new town shall be composed of nine members, that is, a mayor and eight councillors.

9. For the first two general elections, the new town shall be divided into two electoral districts corresponding to the territories of the former municipalities. There shall be two councillors in the district corresponding to the territory of the former Municipalité de Saint-Jean-Baptiste and six in the district corresponding to the territory of the former Ville de Mont-Joli. For the third general election, the territory of the new town shall be divided into six electoral districts in accordance with the law and the new town shall make up a council of seven members, that is a mayor and six councillors.

10. Roger Boudreau, clerk of the former Ville de Mont-Joli, shall act as clerk of the new town.

11. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(1) that budget shall remain applicable;

(2) expenditures and revenues of the new town, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each former municipalities as if the amalgamation had not taken place;

(3) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM) shall constitute a reserved amount to be paid into the general funds of the new town for the first fiscal year for which the new town adopts a budget with respect to all its territory.

12. Subject to section 23, the terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

(1) the new town shall allot to its general funds an amount equal to 5% of the 2000 budget of the former municipalities and an additional amount of $126 100 for the former Municipalité de Saint-Jean-Baptiste. Where the surplus accumulated on behalf of a former municipality is insufficient to allow for that payment, the new town shall make up for the difference by imposing a special tax on all the taxable immovables in the sector made up of the territory of that former municipality, on the basis of their taxable value as it appears in the assessment roll in effect at the time the payment is made;

(2) the new town shall constitute a working fund. The portion of each former municipality in that fund shall be 5% of the 2000 budget forecast. Where the surplus accumulated on behalf of a former municipality is insufficient to allow for that payment, the new town shall make up for the difference by imposing a special tax on all the taxable immovables in the sector made up of the territory of that former municipality, on the basis of their taxable value as it appears in the assessment roll in effect at the time the payment is made;

(3) the excess amount shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality on behalf of which the surplus was accumulated, that is, for repaying loans contracted by that former municipality, carrying out work in that sector or as tax credit complementary to that provided for in section 15.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall continue to be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

15. For the first five fiscal years for which a budget was adopted by the new town with respect to all its territory, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the territory of the former Municipalité de Saint-Jean-Baptiste. That credit shall be $0.35 per $100 of assessment for the first fiscal year and shall decrease by $0.07 per $100 of assessment per year afterwards.

16. The working fund of the former Ville de Mont-Joli shall be abolished as of the coming into force of this Order in Council. The amount of the fund uncommitted on that date shall be added to the surplus accumulated on behalf of the former municipality and dealt with in accordance with the provisions of section 13.

17. The credit commitment of the former Municipalité de Saint-Jean-Baptiste made under resolution 96-234 respecting the acquisition of a truck used for fire prevention shall remain charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

The annual repayment of instalments in principal and interest of the loans made under by-laws 203, 207, 237, 297, 324, 329, 383, 391, 404, 409, 454, 522 and 605-99 adopted by the former Ville de Mont-Joli shall remain charged to the sector made up of the territory of that former municipality, in accordance with the taxation clauses provided for in those by-laws. Should the new town decide to amend the taxation clauses of the by-laws in accordance with law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of that former municipality.

18. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Mont-Joli".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Mont-Joli. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act.

Until the term of the majority of candidates elected in the first general election begins, the members of the bureau shall be the members of the municipal bureau to which it succeeds.

19. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality.

20. The tax on non-residential immovables of the former Ville de Mont-Joli shall apply to the new town for the purposes of the first fiscal year for which the new town adopted a budget with respect to all its territory.

21. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

22. Any available balance of the loan by-laws shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally fixed, to reduce the balance of those loans.

If the available balance is used to pay the annual instalments of the loans, the rate of the tax imposed to pay those instalments shall be reduced so that the revenues of the tax is equal to the balance to be paid once the available balance has been used.

23. The terms and conditions for apportioning costs provided for in the intermunicipal agreement of water and sewer system between the former Ville de Mont-Joli and the former Municipalité de Saint-Jean-Baptiste signed on 16 April 1998 shall apply to the new town for the first five full fiscal years following the coming into force of this Order in Council.

After that period, the compensation applicable to the territory of the new town shall be the same for all users of the water and sewer system. To that end, distinct accounting shall be maintained by the new town to avoid any tax transfer towards general taxation, and the new users served following an extension of the water and sewer system shall pay for the costs of those new services.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE MONT-JOLI, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA MITIS

The current territory of Municipalité de Saint-Jean-Baptiste and Ville de Mont-Joli, in Municipalité régionale de comté de La Mitis, comprising in reference to the cadastre of Paroisse de Sainte-Flavie, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits of the two perimeters described hereafter, namely:

First perimeter

Starting from the apex of the northern angle of Lot 705; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the said lot; northeasterly, part of the northwestern line of Lot 706 to the apex of its northern angle; in a general southeasterly direction, the broken line bordering to the northeast lots 706 and 710; in a general southwesterly direction, successively, the southeastern line of Lot 710 then part of the southwestern line of Lot 706 to the northeastern line of Lot 708; southeasterly, the northeastern line of lots 708 and 709; successively southwesterly, southeasterly, again southwesterly and northwesterly, the southeastern, northeastern, again southeastern and southwestern lines of Lot 709; successively northwesterly and westerly, the southwestern and southern lines of Lot 708; in a general southwesterly direction, part of the broken line bordering to the southeast Lot 706 to the dividing line between lots 420 and 402; southeasterly, part of the dividing line between the said lots, crossing Chemin Perreault (shown on the original), to the point located 34.19 metres to the southeast of the southeastern limit of the right-of-way of the said road, distance measured along the dividing line between the said lots; in Lot 420, northeasterly, a straight line forming an interior angle of 276°02' and measuring 151.39 metres; in Lot 422, successively northeasterly and northwesterly, a straight line forming an interior angle of 179°58' and measuring 138.19 metres then a straight line forming an interior angle of 275°36' to the southeastern limit of Chemin Perreault (shown on the original); northeasterly, the southeastern limit of the right-of-way of the said road over a distance of 103.37 metres; in Lot 424, successively southeasterly and northeasterly, a straight line forming an interior angle of 86°27' and measuring 30.48 metres then a straight line forming an interior angle of 273°24' to the northeastern line of Lot 424; southeasterly, successively, part of the northeastern line of the said lot, the northeastern line of Lot 546-1 then its extension in Lot 545 (railway) to its meeting point with the southwesterly extension, in lots 546 and 545 (railway rights-of-way) of the northwestern line of Lot 482; northeasterly, successively, the said extension, the northwestern line of lots 482 in declining order to 464 then the extension of the northwestern line of Lot 464 to the centre line of Rivière Mitis; in a general southeasterly direction, the centre line of the said river upstream and skirting to the southwest island 96 of Fief Pachot of the cadastre of Paroisse de Saint-Octave-de-Métis to its meeting point with the northeasterly extension of the dividing line between the cadastres of the parishes of Sainte-Flavie and Saint-Joseph-de-Lepage; in a general southwesterly direction, the said extension and the broken dividing line between the said cadastres, that line crossing Route Harton, the right-of-way of a railway (Lot 545), Route 132, Lac du Gros Ruisseau and Route Tardif that it meets; northwesterly, part of the dividing line between the cadastres of the parishes of Sainte-Flavie and Sainte-Luce to the apex of the western angle of Lot 544 of that first cadastre, that line crossing Chemin du Sanatorium that it meets; in reference to that cadastre, northeasterly, the broken line bordering to the northwest lots 544, 543, 542, 540 in declining order to 511 and, in part, Lot 510 to the southwestern line of Lot 192; northwesterly, part of the southwestern line of the said lot and its extension in Lot 545 (railway right-of-way) to the northwestern line of that latter lot; northeasterly, part of the northwestern line of the said lot to the southwestern line of Lot 193; northwesterly, the southwestern line of the said lot; northeasterly, successively, the broken line bordering to the northwest lots 193 to 198, 199A and 200 then the extension of the northwestern line of Lot 200 to the northeastern limit of the right-of-way of Route 132; northwesterly, the northeastern limit of the right-of-way of the said route to the apex of the western angle of Lot 706; in a general northeasterly direction, part of the broken line bordering to the northwest the said lot to the southwestern line of Lot 705; finally, successively northwesterly and northeasterly, the southwestern and northwestern lines of the said lot to the starting point.

Second perimeter

Starting from a point located on the dividing line between lots 2 and 3 of the cadastre of Paroisse de Sainte-Flavie, 1 566.06 metres northwest from the southeastern end of the said line; thence, successively, the following lines and demarcations: in reference to that cadastre, in Lot 2, a straight line following a direction of 52°36' and measuring 204.27 metres to the west shore of Baie Mitis; in a general northerly direction, the west shore of the said bay over a distance of 51.9 metres, that sinuous line being subtended by a rope measuring 51.7 metres and following a direction of 1°56'; in Lot 2, successively westerly and northerly, a straight line following a direction of 262°37' and measuring 95.4 metres then another straight line following a direction of 4°17' and measuring 375.3 metres to the shore of the St. Lawrence River; in the said river, the extension of that latter line over a distance of 268.2 metres to the low water mark (low tide); in a general westerly direction, the said low water mark over a distance of 999.1 metres to its meeting point with the northwesterly extension of the dividing line between lots 3 and 4; southeasterly, the said extension over a distance of 115.9 metres and part of the dividing line between the said lots following a direction of 132°05' and measuring 191.8 metres to the northeastern limit of the right-of-way of Route 132; southeasterly, the northeastern limit of the said route along an arc of a circle measuring 70.29 metres and having a radius of 208.14 metres, a straight line follow-

ing a direction of 132°11’ and measuring 219.11 metres then another straight line following a direction of 132°13’ and measuring 352.45 metres to the northwestern line of Lot 3-5; finally, in Lot 3, northeasterly, successively, a straight line following a direction of 42°09’ and measuring 113.54 metres then another straight line following a direction of 52°36’ and measuring 56.91 metres to the starting point, that first line bordering, northwesterly, the said Lot 3-5.

Those perimeters define the territory of the new Ville de Mont-Joli, in Municipalité régionale de comté de La Mitis.

In this description, the directions are bearings in reference to the SCOPQ system (Zone 6) NAD 83.

Ministère des Ressources naturelles
Direction de l’information foncière sur le territoire public
Division de l’arpentage foncier
Charlesbourg, 26 March 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

M-259/1

4303

Gouvernement du Québec

O.C. 632-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville

WHEREAS each of the municipal councils of Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the three municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville on the following conditions:

1. The name of the new municipality shall be “Municipalité de Pierreville”.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 24 October 2000; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The territory of Municipalité régionale de comté de Nicolet-Yamaska comprises the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council composed of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayors of the former municipalities shall act alternately each month as mayor of the new municipality. The deputy mayor shall be the mayor designated to sit the following month. The mayor of the former Paroisse de Saint-Thomas-de-Pierreville shall act as mayor of the provisional council for the first month from the coming into force of this Order in Council, the mayor of the former Village de Pierreville for the second month and the mayor of the former Paroisse de Notre-Dame-de-Pierreville for the third.

The mayor of the former Village de Pierreville, the mayor of the former Paroisse de Notre-Dame-de-Pierreville and the mayor of the former Paroisse de Saint-Thomas-de-Pierreville shall continue to sit on the

council of Municipalité régionale de comté de Nicolet-Yamaska until the first general election is held and they shall have the same number of votes as before the coming into force of this Order in Council.

For the term of the provisional council, the elected municipal officers shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

The majority of members in office at all times shall constitute the quorum for the provisional council.

6. The first sitting of the provisional council shall be held at the community centre located at 44, rue Maurault, on the territory of the former Village de Pierreville. The second sitting shall be held at 6, rue Daneau, on the territory of the former Paroisse de Notre-Dame-de-Pierreville. The following sittings of the provisional council shall be held alternately at those places.

After the first general election, the first sitting of the council shall be held at 26, rue Ally, on the territory of the former Village de Pierreville, the second at 6, rue Daneau, on the territory of the former Paroisse de Notre-Dame-de-Pierreville. The following sittings shall be held alternately at both places for the two years following the first general election.

7. The first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. If that date falls on the first Sunday of January or on Easter Sunday, the first general election shall be postponed to the first Sunday of the following month. The second general election shall be held in 2004.

8. For the first two general elections, the only persons eligible for seats 1 and 2 shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Village de Pierreville, the only persons eligible for seats 3 and 4 shall be the persons who would be eligible under the Act if such election were an election of the members of the council of the former Paroisse de Notre-Dame-de- Pierreville and the only persons eligible for seats 5 and 6 shall be the persons who would be eligible under the Act if such election were an election of the members of the council of the former Paroisse de Saint-Thomas-de-Pierreville.

9. Michel Gagnon, secretary-treasurer and director general of the former Village de Pierreville shall act as secretary-treasurer and director general of the new municipality.

10. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force :

(1) the budget shall apply ;

(2) the expenditures and revenues of the new municipality, for the remainder of the fiscal year during which the amalgamation order comes into force, shall continue to be accounted for separately on behalf of the former municipalities as if the amalgamation had not been made ;

(3) an expenditure the council of the new municipality recognized as coming from the amalgamation shall be charged to each of the former municipalities in proportion, for each, to its standardized property value in relation to the total of those of the former municipalities as they appear in the financial statement of the municipalities for the fiscal year preceding that during which the amalgamation order comes into force ;

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and directly financed by that amount, shall constitute a reserve to be paid into the general fund of the new municipality for the first fiscal year for which it adopts a budget in respect of all its territory.

11. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

12. The working fund of the former Paroisse de Saint-Thomas-de-Pierreville shall be abolished on the date of coming into force of this Order in Council. The amount of the fund that is not committed on that date shall be added to the reserve created on behalf of that former municipality in accordance with section 13.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall constitute a reserve created for the benefit of the ratepayers in the sector made up of the territory of that former municipality. However, the amounts of the surplus which, on the date of coming into force of this Order in Council, were reserved for specific purposes, shall continue to be reserved for those purposes, for the benefit of the ratepayers of the former municipality on behalf of which those amounts were reserved.

In the case of the former Village de Pierreville, the amounts paid into the reserve created in accordance with the first paragraph may be used to carry out public works in the sector made up of the territory of that former municipality, to reduce taxes applicable to all the taxable immovables that are located therein or to repay debts charged to the municipality.

In the case of the former Paroisse de Notre-Dame-de-Pierreville and the former Paroisse de Saint-Thomas-de-Pierreville, the amounts paid into the reserve created on their behalf, in accordance with the first paragraph, shall be used primarily to reduce taxes applicable to all the taxable immovables located in the sector made up of the territory of each of those former municipalities, in accordance with sections 30 and 31.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. A subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM), except an amount of $20 000 which is included in the first payment and accounted for into the general fund of the new municipality, shall be paid into the reserve created on behalf of each former municipality in accordance with section 13.

The annual amount of that subsidy shall be apportioned in the following proportions:

— former Village de Pierreville: 49.14%;
— former Paroisse de Notre-Dame-de-Pierreville: 21.29%;
— former Paroisse de Saint-Thomas-de-Pierreville: 29.57%.

16. The annual repayment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council shall be charged to the sector made up of the territory of the former municipality that made the loans, in accordance with the taxation clauses provided for in those by-laws. If the new municipality decides to amend the taxation clauses in accordance with the law, those amendments may affect only the taxable immovables in the sector made up of the territory of that former municipality.

17. Notwithstanding section 16, the balance in principal and interest of the loan made under By-law 312 of the former Village de Pierreville shall be, in a proportion of 2/3, charged to the taxable immovables located in the sector made up of the territory of the former Village de Pierreville and, in a proportion of 1/3, charged to the taxable immovables located in the sector made up of the territory of the former Paroisse de Saint-Thomas-de-Pierreville, on the basis of their value as it appears in the assessment roll in force each year.

The taxation clause provided for in the by-law shall be amended accordingly.

18. For a period of five years from the coming into force of this Order in Council, the new municipality shall invest, for each sector made up of the territory of a former municipality, an amount of $25 000 per year for roadwork and asphalt paving.

19. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

21. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation de la Municipalité de Pierreville".

That municipal bureau shall succeed to the municipal housing bureau of the former Village de Pierreville, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau of the new municipality as though it had been constituted by letters patent under section 57 of that Act.

The members of the municipal housing bureau shall be the members of the municipal housing bureau of the former Village de Pierreville.

22. Notwithstanding section 119 of the Act respecting municipal territorial organization, the new municipality shall use the values entered on the property assessment rolls for the 2001 fiscal year for each of the former municipalities, updated and adjusted from the date of coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the assessment roll of the former Paroisse de Notre-Dame-de-Pierreville and of the former Paroisse de Saint-Thomas-de-Pierreville shall be divided by the median proportion of each of those rolls and multiplied by the median proportion of the roll of the former Village de Pierreville; the median proportions shall be those established for the 2001 fiscal year.

The rolls in effect in the former Village de Pierreville for the 2001 fiscal year and the amended rolls of the former Paroisse de Notre-Dame-de-Pierreville and of the former Paroisse de Saint-Thomas-de-Pierreville in accordance with the second paragraph shall constitute the roll of the new municipality for the first fiscal year. The median proportion and the comparative factor of the roll shall be those of the former Village de Pierreville. The first fiscal year of the new municipality is considered to be the first fiscal year of application of the roll.

23. In accordance with the Order in Council respecting the withdrawal of Paroisse de Notre-Dame-de-Pierreville and of Paroisse de Saint-Thomas-de-Pierreville of the agreement related to Cour municipale de Sorel and with the Order in Council respecting the participation of those municipalities in the jurisdiction of Cour municipale de Nicolet will be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), Cour municipale de Nicolet will have jurisdiction over the territory of the new municipality.

24. Notwithstanding section 14.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the roll of the rental value of the former Village de Pierreville shall be the roll of the rental value of the new municipality and shall remain in effect until 31 December 2003.

The entry of the business establishments of the former Paroisse de Notre-Dame-de-Pierreville and of the former Paroisse de Saint-Thomas-de-Pierreville shall be made by an alteration to the roll of the rental value of the former Village de Pierreville. The provisions of sections 174.2 to 184 of that Act shall apply, *mutatis mutandis*, to those alterations and the date on which they are effective shall be the date of coming into force of this Order in Council.

25. The new municipality shall offer gratuitously the use of the municipal hall of the former Paroisse de Notre-Dame-de-Pierreville to all the non-profit organizations located on the territory of the new municipality until the council decides otherwise.

26. Until the third general election, a municipal service point shall be maintained in the sector made up of the territory of the former Paroisse de Notre-Dame-de-Pierreville on the conditions determined by the council of the new municipality.

27. During the first fiscal year for which the new municipality adopts a budget in respect of all its territory, it shall install street lights in places deemed useful in the sector made up of the territory of the former Paroisse de Saint-Thomas-de-Pierreville. That expenditure shall be financed directly out of the amounts accumulated in the reserve created on behalf of that former municipality in accordance with section 13.

28. During the first fiscal year for which the new municipality adopts a budget in respect of all its territory, it shall install water meters according to the number required, in each unit of assessment located in the sector made up of the territory of the former Village de Pierreville. That expenditure shall be financed directly out of the amounts accumulated in the reserve created on behalf of that former municipality in accordance with section 13. Notwithstanding the foregoing, if the amounts accumulated are insufficient for the payment of such work, the new municipality shall require a compensation from each owner of each immovable in question located in the sector made up of the territory of that former municipality.

For the first fiscal year, the municipality shall require the tariff that was in effect for the year 2000 for the waterworks service of each of the former municipalities. As of the following fiscal year, the municipality shall determine, where applicable, a new tariff.

29. For each of the first three fiscal years for which the new municipality adopts a budget in respect of all its territory, a special tax shall be imposed and levied on all the taxable immovables located in the sector made up of the territory of the former Village de Pierreville on the basis of their value as it appears on the assessment roll in force each year.

The rate of the special tax shall be the following:

— First year: $0.1500 per $100 of assessment;
— Second year: $0.0800 per $100 of assessment;
— Third year: $0.0500 per $100 of assessment.

30. For each of the first five fiscal years for which the new municipality adopts a budget in respect of all its territory, a general property tax credit shall be granted to all the taxable immovables located in the sector made up

of the territory of the former Paroisse de Saint-Thomas-de-Pierreville; the reduction of the rate of the general property tax related to the credit shall be calculated by dividing the following amounts by the total taxable value of the immovables located in the sector made up of the territory of that former municipality, according to the assessment roll in force annually:

— First year: $29 000;
— Second year: $26 000;
— Third year: $6 000;
— Fourth year: $4 000;
— Fifth year: $4 000.

The amounts necessary for the application of that reduction shall be taken from the reserve created on behalf of that former municipality in accordance with section 13.

31. For the second and third fiscal years for which the new municipality adopted a budget in respect of all its territory, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the territory of the former Paroisse de Notre-Dame-de-Pierreville; the reduction of the rate of the general property tax related to the credit shall be calculated by dividing the following amounts by the total taxable value of the immovables located in the sector made up of the territory of that former municipality, according to the assessment roll in force annually:

— Second year: $11 825;
— Third year: $9 455.

The amounts necessary for the application of that reduction shall be taken from the reserve created on behalf of that former municipality in accordance with section 13.

32. From the second general election, the new municipality may submit to the consultation of qualified voters of its territory any amendment respecting the participation in any of the intermunicipal boards ensuring garbage collection service. If the municipality withdraws its participation in any of the boards, the assets or liabilities resulting from that withdrawal shall be credited or charged to the ratepayers in the sector made up of the territory of the former municipality in question, according to the board concerned.

33. For a 20-year period following the coming into force of this Order in Council, any loan made for waterworks infrastructures, sewer systems and waste water purification systems shall be charged to the immovables served.

34. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

35. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DE PIERREVILLE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE NICOLET-YAMASKA

The current territory of Village de Pierreville and the parishes of Notre-Dame-de-Pierreville and Saint-Thomas-de-Pierreville, in Municipalité régionale de comté de Nicolet-Yamaska, comprising, in reference to the cadastres of the parishes of Saint-Thomas-de-Pierreville and Saint-François-du-Lac, the lots or parts of lots, blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the centre line of the St. Lawrence River (Lac Saint-Pierre) with the northwesterly extension of the dividing line between the cadastres of the parishes of Saint-Thomas-de-Pierreville and Saint-Antoine-de-la-Baie-du-Fèvre; thence, successively, the following lines and demarcations: southeasterly, successively, the said extension, part of the dividing line between the cadastres of the said parishes crossing Chemin Rang du Petit-Bois and Route 132, then the centre line of the public road (Route de la Grande-Ligne) that borders to the southwest lots 671 and 672 of the cadastre of Paroisse de Saint-Antoine-de-la-Baie-du-Fèvre to its meeting point with the southwesterly extension of the southeastern line of lot 672 of the said cadastre; southwesterly, the extension of the southeastern line of the said lot to the southwestern limit of the right-of-way of the said road; southeasterly, the southwestern limit of the right-of-way of the said road to the apex of the southeastern angle of lot 578 of the cadastre of Paroisse de Saint-Thomas-de-Pierreville; in reference to that cadastre, westerly, the southern line of lots 578, 577, 576, 575, 574, 573, 571, 570, 569, 568 and part of the southern line of lot 567 to the apex of the northeastern angle of lot 579; southeasterly, the northeastern line of lots 579 and 635; in a general southwesterly direction, the broken line bordering to the southeast lots 635 in declining order to 624; westerly, the northern line of lot 676; southwesterly, part of the southwestern line of the said lot to the northwestern line of lot 834; southwesterly, the northwestern line of the said lot and its extension to the centre line of Rivière Saint-François, that line crossing Chemin du Rang du Haut-de-la-Rivière

that it meets; in a general northwesterly direction, successively, the centre line of the said river downstream then the line running mid-way between the northeast shore of the islands that are part of the cadastre of Paroisse de Saint-François-du-Lac and the right bank of the said river to its meeting point with the southwesterly extension of the northwestern line of lot 902 of the cadastre of Paroisse de Saint-Thomas-de-Pierreville; southwesterly, the extension of the northwestern line of the said lot to the centre line of Rivière Saint-François; in a general northwesterly direction, successively, the centre line of Rivière Saint-François downstream, the line running mid-way between the northeast shore of the islands that are part of the cadastre of Paroisse de Saint-François-du-Lac, except for Île 885, and the right bank of the said river, then the centre line of Chenal Hertel to the easterly extension of the centre line of the former channel that used to run to the southwest of Île La Petite Commune, that is to the southwest of lots 1106 to 1117 of the cadastre of Paroisse de Saint-François-du-Lac; in a general westerly direction, successively, the said extension, the centre line of that former channel, the centre line of Chenal de l'Île Landry then its extension to the line running mid-way between the northeast shore of Île de Rouche and southeast of Île aux Raisins, Îlets Percés and Île de la Pointe des Îlets on the one side and the northwest shore of Au Cochon, La Petite Commune and La Grande Commune islands on the other side; in a general northeasterly direction, the said line running mid-way to its meeting point with a southeasterly direction straight line, running to the northeast end of lot 1129 of the cadastre of Paroisse de Saint-François-du-Lac and whose origin is the meeting point of the centre line of the St. Lawrence River (Lac Saint-Pierre) with the irregular line skirting to the east the islands that are part of the cadastre of Paroisse de La Visitation (Île-Dupas), that irregular line being the limit of the municipality of Paroisse de Saint-Ignace-de-Loyola; northwesterly, the said straight line to its starting point; finally, northeasterly, the centre line of the St. Lawrence River (Lac Saint-Pierre) downstream to the starting point.

The said limits define the territory of Municipalité de Pierreville, in Municipalité régionale de comté de Nicolet-Yamaska.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 24 October 2000

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

P-210/1

4304

Gouvernement du Québec

O.C. 633-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Ville de Macamic and Paroisse de Macamic

WHEREAS each of the municipal councils of Ville de Macamic and Paroisse de Macamic adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Macamic and Paroisse de Macamic, on the following conditions:

1. The name of the new town shall be "Ville de Macamic".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 24 April 2001; that description appears as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of Municipalité régionale de comté d'Abitibi-Ouest comprises the territory of the new town.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of twelve council members of the former municipalities in office at the time of the coming into force of this Order in Council, that is, six members representing the former

Ville de Macamic and six members representing the former Paroisse de Macamic.

The mayor and the councillors on seats 1, 2, 3, 4 and 5 of the former Ville de Macamic shall be the representatives of that former municipality. The mayor and the councillors on seats 1, 3, 4, 5 and 6 of the former Paroisse de Macamic shall be the representatives of that former municipality.

An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality of the council on which there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that becomes vacant on the provisional council, after that coming into force and was at that time occupied by a member of the council of that former municipality.

Where one of the mayors' seats is vacant, the votes of the latter shall devolve on the councillor who acted as deputy mayor of the former municipality in question before the coming into force of this Order in Council, except if the councillor's seat is also vacant. In such a case, the votes shall devolve on a councillor chosen by and among the members of the provisional council who was a member of the council of the municipality in question.

6. The mayor of the former Ville de Macamic and the mayor of the former Paroisse de Macamic shall act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council to the moment when the term of the mayor elected in the first general election begins. Until that moment, they shall continue to sit on the council of Municipalité régionale de comté d'Abitibi-Ouest and they shall have the same number of votes as before the coming into force of this Order in Council. In addition, they shall retain the qualities required to act as warden or deputy warden, to take part in any committee and to perform any other duty within that regional county municipality.

7. The majority of members in office at any time shall constitute the quorum of the provisional council.

8. The first sitting of the provisional council shall be held at the town hall of the former Ville de Macamic.

9. The members of the provisional council shall receive the same salary as before the coming into force of this Order in Council and each mayor shall receive the same remuneration that was paid to him as mayor.

10. Denis Bédard, director general and secretary-treasurer of the former Ville de Macamic shall act as director general and secretary-treasurer of the new town.

Joëlle Rancourt, secretary-treasurer of the former Paroisse de Macamic, shall act as deputy secretary-treasurer of the new town.

11. In the event that this Order in Council comes into force before 1 August 2001, the first general election shall be held on the first Sunday of November 2001. Otherwise, the election shall be held on the first Sunday of the fifth month following the month of the coming into force of this Order in Council, except if that Sunday corresponds to the first Sunday of January; in such a case, the election shall be postponed to the first Sunday of the following month.

The second general election shall be held in 2005.

12. For the first general election and for any by-election held before the second general election, the only persons eligible for seats 1, 2, 5 and 6 shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Ville de Macamic and the only persons eligible for seats 3 and 4 shall be the persons who would be eligible under that Act if such election were an election of the members of the council of the former Paroisse de Macamic.

13. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in effect before the coming into force of this Order in Council shall apply until the end of the last fiscal year for which the former municipalities adopted separate budgets. The intermunicipal agreements in question are those related to the drinking water supply service and recreation services.

14. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Macamic".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Macamic that is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act. Until the term of the majority of candidates elected in the first general election begins, the members of the bureau shall be the members of the municipal bureau of Ville de Macamic.

15. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(a) that budget shall remain applicable;

(b) expenditures and revenues of the new town, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each former municipality as if the amalgamation had not taken place;

(c) an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities as they appear in the financial statements of those municipalities for the fiscal year preceding the one during which this Order in Council comes into force;

(d) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph *c* and financed directly from that amount, shall constitute a reserved amount to be paid into the general funds of the new town for the first fiscal year for which the new town adopts a budget with respect to all its territory.

16. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality for carrying out work in that sector.

17. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

18. The working fund of the former Ville de Macamic shall be abolished as of the coming into force of this Order in Council. The amount of the fund uncommitted on that date shall be added to the surplus accumulated on behalf of that former municipality and dealt with in accordance with the provisions of section 16.

19. The annual repayment of instalments in principal and interest of loans contracted by the former Ville de Macamic, before the coming into force of this Order in Council, under by-laws 91-351, 93-381 (in a proportion of 70%), 94-402-2, 95-414, 96-433-1 and 00-496, shall remain charged to the taxable immovables of the sector made up of the territory of that former municipality, in accordance with the taxation clauses of those by-laws. Should the new town decide to amend those taxation clauses in accordance with the law, those amendments may only apply to the taxable immovables located in the sector made up of the territory of the former Ville de Macamic.

The annual repayment of instalments in principal and interest of loans contracted by the former Ville de Macamic, before the coming into force of this Order in Council, under by-laws 137-141 and 90-334-1, shall be charged to the taxable immovables served by the drinking water supply service of the new town as of the first fiscal year for which the new town adopts a budget with respect to all its territory. The taxation clause of those by-laws shall be amended accordingly.

The annual repayment of instalments in principal and interest of loans contracted by the former Ville de Macamic, before the coming into force of this Order in Council, under by-law 93-381 (in a proportion of 30%) and the amount due to the Société québécoise d'assainissement des eaux under the agreement entered into between the Gouvernement du Québec and the former Ville de Macamic shall be charged to the taxable immovables served by the sewer and water treatment systems of the new town as of the first fiscal year for which the new town adopts a budget with respect to all its territory. The taxation clause of that by-law shall be amended accordingly.

The annual repayment of instalments in principal and interest of loans contracted by the former Ville de Macamic, before the coming into force of this Order in Council, under by-laws 94-415 and 99-483, shall be charged to all the taxable immovables of the new town as of the first fiscal year for which the new town adopts a budget with respect to all its territory. The taxation clause of those by-laws shall be amended accordingly.

Any available balance of all the abovementioned loan by-laws shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally fixed, to reduce the balance of those loans.

20. For each of the first five full fiscal years following the coming into force of this Order in Council, a special tax shall be imposed and levied on all the taxable immovables of the sector made up of the territory of the former Ville de Macamic, on the basis of their value as it appears on the assessment roll in effect each year:

The rate of that special tax shall be

First year: $0.42 per $100 of assessment;
Second year: $0.34 per $100 of assessment;
Third year: $0.25 per $100 of assessment;
Fourth year: $0.17 per $100 of assessment;
Fifth year: $0.08 per $100 of assessment.

21. The business tax in application in the territory of the former Ville de Macamic, at the end of the last fiscal year for which the former municipalities adopted sepa-

rate budgets, shall apply to the new town as of the first full fiscal year following the coming into force of this Order in Council.

22. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

23. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, before the coming into force of this Order in Council, shall be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality. A gain may be dealt with in accordance with section 16 and a debt may be dealt with in accordance with section 17.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE MACAMIC, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ABITIBI-OUEST

The current territory of Paroisse de Macamic and Ville de Macamic, in Municipalité régionale de comté d'Abitibi-Ouest, comprising in reference to the cadastres of Village de Macamic and the townships of Poularies and Royal-Rousillon, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of Lot 49B of Rang 5 of the cadastre of Canton de Royal-Roussillon; thence, successively, the following lines and demarcations: in reference to that cadastre, southerly, the line bordering to the east lots 49B of Rang 5, 49 of ranges 4 and 3, 49B and 49A of Rang 2, 49 of Rang 1 and lots 49B and 49A of Rang 10 of the cadastre of Canton de Poularies, that line extended across the right-of-way of a railway (Lot 79 of the cadastre of Canton de Royal-Roussillon) and crossing Route 111 and other roads that it meets; westerly, part of the dividing line between ranges 10 and 9 of the cadastre of Canton de Poularies to the dividing line between that cadastre and the cadastre of Canton de Palmarolle, that first line crossing Rivière Loïs and Route 101 that it meets; northerly, part of the line dividing the cadastres of the townships of Poularies and Royal-Roussillon from the cadastres of the townships of Palmarolle and La Sarre to the apex of the northwestern angle of Lot 1 of Rang 7 of the cadastre of Canton de Royal-Roussillon, that line crossing the right-of-way of a railway (Lot 78 of the cadastre of Canton de Royal-Roussillon), Route 111 and other roads that it meets; in reference to that cadastre, easterly, part of that dividing line between ranges 7 and 8 then its extension, in Lac Macamic, to its meeting point with the southerly extension of the western line of Lot 38 of Rang 9, that first line crossing the roads and routes that it meets; southeasterly, in the said lake, a straight line to the northern end of the eastern line of Lot 46B of Rang 6; southerly, the eastern line of lots 46B and 46A of the said range, that line extended across Ruisseau Royal-Roussillon that it meets; finally, easterly, the line bordering to the south lots 47A, 48B and 49A of Rang 6 to the starting point, that line extended across the said brook that it meets.

The said limits define the territory of the new Ville de Macamic, in Municipalité régionale de comté d'Abitibi-Ouest.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 24 April 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

M-260/1

4305

Gouvernement du Québec

O.C. 634-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Grand-Mère, Ville de Shawinigan and Ville de Shawinigan-Sud, Municipalité de Lac-à-la-Tortue, Village de Saint-Georges and the parishes of Saint-Gérard-des-Laurentides and Saint-Jean-des-Piles to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister of Municipal Affairs and Greater Montréal to require Ville de Grand-Mère, Ville de Shawinigan and Ville de Shawinigan-Sud, Municipalité de Lac-à-la-Tortue, Village de Saint-Georges and the parishes of Saint-Gérard-des-Laurentides and Saint-Jean-des-Piles to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Grand-Mère, Ville de Shawinigan and Ville de Shawinigan-Sud, Municipalité de Lac-à-la-Tortue, Village de Saint-Georges and the parishes of Saint-Gérard-des-Laurentides and Saint-Jean-des-Piles, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4306

Gouvernement du Québec

O.C. 635-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Rimouski, Ville de Pointe-au-Père, Village de Rimouski-Est, Municipalité de Mont-Lebel, Paroisse de Sainte-Odile-sur-Rimouski and Paroisse de Sainte-Blandine to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require Ville de Rimouski, Ville de Pointe-au-Père, Village de Rimouski-Est, Municipalité de Mont-Lebel, Paroisse de Sainte-Odile-sur-Rimouski and Paroisse de Sainte-Blandine to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Rimouski, Ville de Pointe-au-Père, Village de Rimouski-Est, Municipalité de Mont-Lebel, Paroisse de Sainte-Odile-sur-Rimouski and Paroisse de Sainte-Blandine, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

THAT this Order in Council replace Order in Council 302-2001 dated 28 March 2001.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4307

Gouvernement du Québec

O.C. 636-2001, 30 May 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Trois-Rivières, Ville de Trois-Rivières-Ouest, Ville de Cap-de-la-Madeleine, Ville de Sainte-Marthe-du-Cap, Ville de Saint-Louis-de-France and Municipalité de Pointe-du-Lac to file a joint application for amalgamation

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published a White Paper entitled La réorganisation municipale : changer les façons de faire pour mieux servir les citoyens ;

WHEREAS that restructuring has begun for the metropolitan regions of Montréal, Québec and the Outaouais with the adoption of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) ;

WHEREAS Ville de Trois-Rivières, Ville de Trois-Rivières-Ouest, Ville de Cap-de-la-Madeleine, Ville de Sainte-Marthe-du-Cap, Ville de Saint-Louis-de-France and Municipalité de Pointe-du-Lac are part of the census metropolitan area of Trois-Rivières ;

WHEREAS, on 3 November 2000, the Minister of Municipal Affairs and Greater Montréal designated André Thibault as a mandatary to examine the issues related to the municipal restructuring of the Trois-Rivières region ;

WHEREAS André Thibault submitted his report to the Minister of Municipal Affairs and Greater Montréal on 16 February 2001 ;

WHEREAS, by Order in Council 152-2001 dated 28 February 2001, the Minister of Municipal Affairs and Greater Montréal was authorized to require Ville de Trois-Rivières, Ville de Trois-Rivières-Ouest, Ville de Cap-de-la-Madeleine and Ville de Sainte-Marthe-du-Cap to file a joint application for amalgamation ;

WHEREAS the Minister of Municipal Affairs and Greater Montréal appointed Mtre. Dennis Pakenham as a conciliator to assist the municipalities in fulfilling that obligation ;

WHEREAS the municipalities did not file a joint application for amalgamation within the time prescribed ;

WHEREAS the conciliator submitted a report to the Minister of Municipal Affairs and Greater Montréal on 14 May ;

WHEREAS it is expedient to add other municipalities to the amalgamation of the municipalities in the Trois-Rivières region ;

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister ;

WHEREAS it is expedient to require Ville de Trois-Rivières, Ville de Trois-Rivières-Ouest, Ville de Cap-de-la-Madeleine, Ville de Sainte-Marthe-du-Cap, Ville de Saint-Louis-de-France and Municipalité de Pointe-du-Lac to file with the Minister a joint application for amalgamation within the time prescribed by the Minister ;

WHEREAS, in order to help the municipalities fulfill that obligation, the Minister of Municipal Affairs and Greater Montréal may appoint a conciliator who may be assisted by other persons ;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal :

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Trois-Rivières, Ville de Trois-Rivières-Ouest, Ville de Cap-de-la-Madeleine, Ville de Sainte-Marthe-du-Cap, Ville de Saint-Louis-de-France and Municipalité de Pointe-du-Lac, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4308

Gouvernement du Québec

O.C. 637-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Village de Cap-aux-Meules and the municipalities of Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Étang-du-Nord and Île-du-Havre-Aubert to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require Village de Cap-aux-Meules and the municipalities of Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Étang-du-Nord and Île-du-Havre-Aubert to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Village de Cap-aux-Meules and the municipalities of Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Étang-du-Nord and Île-du-Havre-Aubert, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4309

Gouvernement du Québec

O.C. 638-2001, 30 May 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require the cities of Rouyn-Noranda and Cadillac and the municipalities of Arntfield, Bellecombe, Cléricy, Cloutier, D'Alembert, Destor, Évain, McWatters, Mont-Brun, Montbeillard and Rollet to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require the cities of Rouyn-Noranda and Cadillac and the municipalities of Arntfield, Bellecombe, Cléricy, Cloutier, D'Alembert, Destor, Évain, McWatters, Mont-Brun, Montbeillard and Rollet to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require the cities of Rouyn-Noranda and Cadillac and the municipalities of Arntfield, Bellecombe, Cléricy, Cloutier, D'Alembert, Destor, Évain, McWatters, Mont-Brun, Montbeillard and Rollet, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4310

Gouvernement du Québec

O.C. 639-2001, 30 May 2001

Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Thetford Mines and Black Lake, Village de Robertsonville, Canton de Thetford-Partie-Sud and Municipalité de Pontbriand to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of Chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require the towns of Thetford Mines and Black Lake, Village de Robertsonville, Canton de Thetford-Partie-Sud and Municipalité de Pontbriand to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require the towns of Thetford Mines and Black Lake, Village de Robertsonville, Canton de Thetford-Partie-Sud and Municipalité de Pontbriand, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4311

Erratum

Gouvernement du Québec

Education Act
(R.S.Q., c. I-13.3)

School tax
— Computation of the maximum yield for the 2000-2001 school year

Gazette officielle du Québec, Part 2, 21 June 2000, Vol. 132, No 25, page 2802.

On page 2802, we should read "**O.C. 732-2000,** 15 June 2000" instead of "**O.C. 732-2000,** 14 June 2000".

4321

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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