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## Laws and Regulations

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### Summary

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 977-2002, 28 August 2002**

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

#### **Hairdressing parlours — Revocation**

Regulation to revoke the Regulation respecting hairdressing parlours

WHEREAS, under paragraph *a* of section 87 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations to prescribe the sanitary and hygienic standards applicable to any class of immovables already occupied or intended to be occupied for residential, commercial, industrial, agricultural, municipal or school purposes and the use of all apparatus, equipment or vehicles intended for any of such purposes, except sanitary and hygienic standards for the protection of workers prescribed pursuant to the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

WHEREAS, under section 127 of that Act, the regulations made under Order in Council 479 dated 12 February 1944 (1944, *G.O.*, 1230) and the amendments thereto, except chapters 5 and 10 of the said regulations, are regulations made under that Act;

WHEREAS the Regulation respecting hairdressing parlours constituted chapter XVII of the regulations made by that Order in Council;

WHEREAS the provisions of the Regulation respecting hairdressing parlours (R.R.Q., 1981, c. Q-2, r.22) are obsolete and other legislative and regulatory provisions provide for the purposes referred to in the Regulation;

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, the draft Regulation to revoke the Regulation respecting hairdressing parlours was published in the *Gazette officielle du Québec* of 6 March 2002 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS, no comments having been made following the publication, it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Regulation to revoke the Regulation respecting hairdressing parlours, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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### **Regulation to revoke the Regulation respecting hairdressing parlours \***

Environment Quality Act  
(R.S.Q., c. Q-2, s. 87, par. *a*)

**1.** The Regulation respecting hairdressing parlours is revoked.

**2.** 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 Regulation respecting hairdressing parlours (R.R.Q., 1981, c. Q-2, r.22) has not been amended since its publication in the Revised Regulations of Québec of 1981.

Gouvernement du Québec

## O.C. 995-2002, 28 August 2002

Professional Code  
(R.S.Q., c. C-26)

### Notaries — Trust accounting

Regulation respecting trust accounting by notaries

WHEREAS, under section 89 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des notaires du Québec, whose members are called upon to hold sums of money or other securities for the account of their clients, must determine by regulation the terms, conditions and standards for receipt, custody and disposition of the sums of money and securities so held;

WHEREAS the Regulation must also determine the standards relating to the keeping and auditing of trust accounts, establish an indemnity fund and determine the terms and conditions applicable to the filing of claims addressed to the fund and to the payments made by the latter;

WHEREAS the Bureau of the Chambre des notaires du Québec made the Regulation respecting trust accounting by notaries;

WHEREAS, pursuant to section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the draft Regulation was sent to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting trust accounting by notaries, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation respecting trust accounting by notaries

Professional Code  
(R.S.Q. c. C-26, s. 89)

#### DIVISION I GENERAL

**1.** Every notary shall record and account for all funds, securities, and other property entrusted to him in the practice of his profession, and use them for the purposes for which they were entrusted.

**2.** No notary shall deposit or leave personal funds in a trust account.

**3.** A notary may deduct his fees from funds entrusted to him if he is authorized in writing.

**4.** The funds, securities, and other property entrusted to a notary include cash, negotiable instruments payable to the notary or payable to the notary in trust and endorsed to his order or to his order in trust or to bearer, and all instruments and securities payable to bearer or registered in the name of the notary or in the name of the notary in trust.

**5.** No notary shall endorse a cheque or other negotiable instrument payable to the order of a client without the client's written authorization and unless the endorsement is solely for deposit in the notary's trust account.

**6.** A notary may accept only funds, securities, or other property in trust that are related to the execution of a lawful, clearly defined contract for services or mandate in the practice of his profession.

#### DIVISION II GENERAL TRUST ACCOUNT AND SPECIAL TRUST ACCOUNT

**7.** All funds entrusted to a notary by a client must, as soon as possible after receipt, be deposited in a general trust account that has been opened in the notary's name and may be withdrawn solely by him. The account may nevertheless be held jointly by two or more notaries.

A notary may give another notary a mandate to deposit funds into or withdraw funds from his trust account.

Neither the funds nor the interest accrued belong to the notary.

**8.** General trust accounts are accounts that are opened as such in the name of a notary, and contain deposits insured by deposit insurance under the Canada Deposit Insurance Corporation Act (R.S.C., 1985, c. C-3) or guaranteed under the Deposit Insurance Act of Québec (R.S.Q., c. A-26).

The account must be opened in Québec in a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Bank Act (S.C., 1991, c. 46), the Act respecting financial services cooperatives (2000, c. 29), or the Trust and Loan Companies Act (S.C., 1991, c. 45).

**9.** Where the client's interest so requires, or the client expressly requests that the income from the funds entrusted to the notary be remitted to him, the notary shall immediately transfer the funds from his general trust account into a special trust account. The notary shall ensure that the name of the client for whom the account is opened appears in the name of the account.

**10.** Special trust accounts are accounts that are opened as such in the name of a notary, and contain deposits insured by deposit insurance under the Canada Deposit Insurance Corporation Act or guaranteed under the Deposit Insurance Act of Québec, or presumed sound investments within the meaning of paragraphs 2 and 3 of article 1339 of the Civil Code of Québec registered in the name of the notary in trust on behalf of a client.

The account must be opened in Québec in a financial institution contemplated in the second paragraph of section 8. In the case of a presumed sound investment, the account may also be opened with a securities broker who is acting as principal and is a member of the Investment Dealers Association of Canada.

In the case of a presumed sound investment, the notary must obtain the prior written authorization of the client specifying the nature, date of maturity, and terms and conditions of the investment.

**11.** Upon opening a general trust account, the notary shall fill out the form approved for such purpose by the Bureau. The form must contain a declaration by the notary under his oath of office stating :

(1) the name, address, postal code, and transit number of the depository institution, as well as the number of the account and the date of its opening ;

(2) an irrevocable waiver of the interest and other income from the account in favour of the notarial studies fund and an authorization allowing the financial institution to transfer the interest and other income from such account, less administration costs, if any, directly into the notarial studies fund ;

(3) an irrevocable authorization entitling the Administrative Committee, the president, the secretary, the assistant secretary, an inspector, the syndic, or an assistant or corresponding syndic to undertake any action provided for in sections 36 or 37 ;

(4) an indication that the account complies with the Notaries Act (2000, c. 44) and regulations adopted pursuant thereto ;

(5) an irrevocable authorization entitling the Administrative Committee or the president of the Order, upon recommendation by the syndic, an assistant syndic, or the professional inspection committee of the Order, to require that the notary obtain, at his expense, the joint signature of another notary designated by the Administrative Committee to draw cheques and other payment orders against the account.

**12.** Upon opening a special trust account, the notary shall fill out the form approved for such purpose by the Bureau. In addition to the information required under section 11, the form must contain a declaration by the notary under his oath of office indicating that the interest and other income from the account belongs to the client.

**13.** The notary shall immediately forward a duly filled out copy of the form prescribed in sections 11 and 12 to the financial institution where the account has been opened, as well as to the secretary of the Order ; he shall retain a copy thereof together with the other documents enumerated in section 15.

This section applies *mutatis mutandis* where the account is opened with a securities broker.

**14.** Where a notary closes a general trust account, he must immediately notify the secretary of the Order, using the form approved for this purpose by the Bureau. The form must contain the name, address, postal code and transit number of the depository institution, as well as the number of the account, the date on which it was opened, and the effective date on which it was closed.

This section applies *mutatis mutandis* where a notary withdraws as joint holder of a trust account.

Where a special trust account is no longer required, the notary shall transfer the funds and accrued interest into the general trust account.

### **DIVISION III**

#### **KEEPING OF TRUST ACCOUNTS**

**15.** The accounting records in which the funds, securities, and other property are entered and recorded must be in single-entry or double-entry form and consist of official receipts, passbooks or statements of the financial institution or the securities broker, cheques and other payment orders, and registers and other vouchers conforming to generally accepted accounting principles, in addition to the cash book and the general ledger.

**16.** All trust accounting must:

- (1) ensure data confidentiality;
- (2) ensure data security;
- (3) allow the notary and the Order to have access to the data at all times;
- (4) include all information pertaining to the control and administration of funds received.

Trust accounting using media based on information technologies must allow the transmission of data and forms contemplated in this regulation.

**17.** All data inscribed on media based on information technologies must be transcribable in paper form.

**18.** The electronic transfer of funds is subject to this regulation.

**19.** The account books and records and the statements from the financial institution or the securities broker that are contemplated herein must be kept by the notary at his professional domicile for at least 10 years and in accordance with the regulation adopted under section 91 of the Professional Code (R.S.Q., c. C-26).

**20.** Upon the receipt of funds, securities, and other property entrusted to him, the notary shall remit to the client for whom they are held an official receipt drawn up in accordance with the form approved for that purpose by the Bureau and on which are indicated the date of receipt, the name and address of the client, the description of the item deposited, the purpose for which it is entrusted, and the name of the depository notary.

**21.** The official receipt must indicate that the funds, securities, or other property are deposited in trust and are subject to the provisions of the Notaries Act and regulations adopted pursuant thereto.

**22.** Official receipts must be pre-numbered and copies thereof must be kept by the notary.

**23.** The cheques and other payment orders drawn against a trust account must bear the mention "trust account in accordance with the Notaries Act and regulations adopted pursuant thereto". Cheques must be pre-numbered.

**24.** Trust account records must be kept up to date.

**25.** A notary shall keep at the disposal of each client who entrusts him with funds, securities, or other property an up-to-date account showing, on a day-by-day basis, all entries made in the account the balance of the account after each entry, and all vouchers for such entries.

**26.** A notary shall maintain strict control over the receipt, deposit, withholding, and use of funds entrusted to him. To that end, the notary shall, in particular,

(1) receive and deposit all sums required for the execution of the act for which he has been mandated, before the act is signed;

(2) ensure that the funds received are sufficient to cover all disbursements and to avoid an overdraft of the client's account;

(3) deposit receipts before any cheques or other payment orders issued are cashed, to avoid paying cheques issued for one client using sums belonging to another client;

(4) use the first disbursement from his trust account, in a file involving the execution of an act of sale of an immovable under construction, for the purchase of the immovable and the cancellation of all the charges, prior claims, or hypothecs not assumed by the purchaser;

(5) withhold funds, where applicable, until publication of the act creating or transferring rights and its indexation in the relevant registers without any entry detrimental to the rights created or transferred;

(6) cover any debit balance, whatever the cause, immediately and with his own money;

(7) transfer into the general trust account, before their disposition, all sums debited from a special trust account;



(8) follow up on cheques and other payment orders within 6 months from the date of their issue to ensure that they are cashed; and

(9) transfer to the Public Curator all funds, securities, or other property that have not been the subject of any claim, transaction, or written instruction as to their use, by any interested party, within three years following the date of their exigibility.

**27.** No notary may make cash withdrawals from his general or special trust accounts.

**28.** Each month, a notary shall, using the form approved for such purpose by the Bureau, draw up a report reconciling the previous month's transactions and indicating:

(1) the totals of receipts and disbursements for the month;

(2) a balanced reconciliation of the cash book and the general ledger with the relevant financial institution statements; the reconciliation must integrate the general and special trust accounts;

(3) a list of sums owing to clients, indicating for each the client's name or account number, the date of the last entry, and the balance of the account;

(4) a list of outstanding cheques, indicating the number, date, and amount of each cheque;

(5) a list of outstanding sums received, indicating the amount of each sum and the number and date of each receipt; and

(6) a list of the general and special trust accounts, indicating for each account the name of the financial institution, the account number, and the balance at the end of the month.

#### **DIVISION IV** **AUDITING OF TRUST ACCOUNTING RECORDS**

**29.** A notary's trust account records must be audited not later than March 31 each year for the previous year ending December 31.

Where a notary ceases to be entered on the roll of the Order, the audit must cover the period since the last audit and the notary must file with the secretary of the Order within three months of ceasing to be entered on the roll a report containing the information required under section 33, *mutatis mutandis*.

**30.** A notary shall appoint an accountant authorized by law to audit his trust account records. The appointment must include an irrevocable authorization allowing an inspector, the syndic, or an assistant or corresponding syndic, or the secretary of the Order to obtain from the accountant all information relating to the trust accounts subject to the audit.

**31.** The accountant verifies the accounting procedures followed during the year by the notary for the keeping of his trust account records, in accordance with the generally accepted auditing standards he deems necessary in the circumstances. To that end, he must verify, in particular,

(1) the receipts and disbursements affecting the cash book, the general ledger, the relevant financial institution passbooks or statements, and supporting documents, including related files and acts;

(2) the reconciliation of the general and special trust accounts with the notary's books; and

(3) the inventory of funds, securities, and other property entrusted to the notary as at December 31.

**32.** Upon completion of the audit, the accountant drafts a report certifying that the notary has complied with this regulation, using the form approved for such purpose by the Bureau and noting any restrictions and reservations he deems appropriate.

#### **DIVISION V** **ANNUAL REPORT**

**33.** Each year, not later than March 31, the notary shall forward to the secretary of the Order, together with the accountant's report and using the form approved for such purpose by the Bureau, a report containing:

(1) a declaration under his oath of office attesting that all funds, securities, and other property entrusted to him in the practice of his profession during the preceding year have been deposited, recorded, and used in accordance with the Notaries Act and the regulations adopted pursuant thereto or pursuant to the Professional Code;

(2) the totals of receipts and disbursements for each month;

(3) a balanced reconciliation of the cash book and the general ledger with the relevant financial institution statements;

(4) a list of sums owing to clients, indicating for each sum the client's name or account number, the date of the last entry, and the balance of the account ;

(5) a list of cheques outstanding as at December 31, indicating the number, date, and amount of each cheque ;

(6) a list of sums received that are outstanding as at December 31, indicating the date of receipt of each sum, and the amount and date of its subsequent deposit ; and

(7) a list of the general and special trust accounts held during the year, indicating for each the name of the depository institution, account number, and balance at the end of the year.

A single report shall suffice for notaries who have a common trust account, provided that it indicates the names of all the notaries and is signed by all of them.

**34.** A notary who has not held or received funds, securities, or other property in trust shall forward to the secretary of the Order not later than March 31, using the form mentioned in section 33, a declaration under his oath of office to that effect.

## **DIVISION VI**

### **MISCELLANEOUS**

**35.** A notary is subject to professional secrecy with respect to the account books and documents contemplated in this regulation.

However, an inspector, the syndic, or an assistant or corresponding syndic of the Order may obtain from the accountant appointed pursuant to this regulation any information that is relevant to the trust accounts subject to the audit.

**36.** The Administrative Committee, the president, the secretary, the assistant secretary, an inspector, the syndic, an assistant or corresponding syndic, or the secretary of the indemnity fund committee may :

(1) require and obtain at any time from the financial institution that is the depository of any general or special trust account all the information or explanations deemed necessary or useful for the purposes of this regulation ;

(2) require and obtain at any time from a financial institution in which funds belonging to clients are deposited and which should have been deposited by the notary in a general or special trust account all the information or explanations deemed necessary or useful for the purposes of this regulation ;

(3) block deposited funds ;

(4) take possession of any funds, securities, and other property entrusted to a notary, revoke his signature, or close the account.

This section applies *mutatis mutandis* to accounts opened with a securities broker.

**37.** Where a notary's permit is revoked or his right to practice is temporarily or permanently limited or suspended, or where he is provisionally, temporarily, or permanently struck off the roll, or in any situation where a provisional guardian may be appointed for his records, the Administrative Committee, the president, the secretary, the syndic, or the secretary of the indemnity fund committee may, subject to section 57, dispose of funds in trust for the purposes for which the notary received them.

**38.** Where the Administrative Committee is informed that a notary is failing to comply with any obligation under this regulation, it may appoint an accountant of its choice and charge him with the audit of the notary's trust account records at the notary's expense, even if he is no longer entered on the roll of the Order.

## **DIVISION VII**

### **ESTABLISHMENT OF THE INDEMNITY FUND**

**39.** The Bureau shall establish an indemnity fund for the purpose of reimbursing sums of money or other securities used by a notary for purposes other than those for which they were entrusted to him in the practice of his profession.

**40.** The indemnity fund consists of :

(1) the sums of money already allocated for that purpose as at 31 October 1996 ;

(2) the sums of money allocated by the Bureau to the fund as needed ;

(3) the assessments levied for that purpose ;

(4) the sums of money recovered from notaries by subrogation or pursuant to section 159 of the Professional Code ;

(5) the income earned on the sums of money constituting the fund ; and

(6) the sums of money paid by an insurance company under a group insurance policy held by the Administrative Committee ;

less administration costs for the fund.

## **DIVISION VIII**

### **ADMINISTRATION OF THE FUND**

#### *§1. Administrative Committee*

**41.** The Administrative Committee shall administer the fund. In particular, it is authorized to conclude any insurance or reinsurance contract for the purposes of the fund and to pay the premiums out of the fund.

**42.** The fund accounting of Administrative Committee shall be kept separate from the general accounting of the Order.

**43.** The sums of money constituting the fund shall be invested by the Administrative Committee as follows:

(1) the portion of the funds the Committee anticipates using in the short term shall be deposited in a financial institution described in section 8;

(2) the other portion shall be entrusted to an investment manager for investment in short term securities, fixed-interest securities, Canadian or foreign shares, in accordance with the investment policy adopted by the Administrative Committee.

#### *§2. Indemnity fund committee*

**44.** An indemnity fund committee, hereinafter called the “committee,” shall be established by the Bureau to examine all claims against the fund. It shall comprise no fewer than 5 members appointed by the Bureau from among the notaries entered on the roll of the Order for at least 10 years and the directors appointed to the Bureau by the Office des professions du Québec pursuant to section 78 of the Professional Code; at least one of the members must be a director.

The chairman of the committee is designated by the members.

The quorum of the committee is a majority of members.

**45.** Where the number of committee members so permits, the committee may sit in divisions comprising 5 members, one of whom shall be the chairman or another committee member designated by division members as chairman of the division, and another member chosen from among the directors appointed by the Office.

The quorum of a division is 3 members.

**46.** Committee members remain in office at the end of their mandate until they are reappointed or replaced by the Bureau.

**47.** The Bureau shall appoint the secretary of the committee and, as needed, one or more assistant secretaries, who perform the same duties as the secretary.

## **DIVISION IX**

### **CLAIMS AGAINST THE FUND**

**48.** Claims addressed to the fund must:

(1) be in writing;

(2) state all supporting facts and be accompanied by all relevant documents;

(3) indicate the amount claimed; and

(4) be filed with the secretary of the committee.

**49.** The secretary of the committee shall inform members of a claim against the fund at the first meeting after the claim is filed.

If the committee has not completed its examination of the case within 90 days after the claim is filed, the secretary of the committee shall, upon the expiry of that period, so notify the claimant in writing and report to him on the committee’s progress. Until the committee has completed its examination, the secretary of the committee shall, every 60 days following the expiry of the 90-day period, notify the claimant in writing that examination is continuing and report to him on the committee’s progress.

The obligation to notify the claimant as set out in the second paragraph does not apply to the situation contemplated in section 57.

**50.** To be admissible, a claim against the fund must be filed within one year of the claimant’s knowledge that sums of money or other securities have been used for purposes other than those for which they were entrusted to the notary in the practice of his profession.

Subject to section 51, a claim that is not filed within the prescribed period is inadmissible.

**51.** The period prescribed in section 50 may be extended if the claimant demonstrates that he was unable to file the claim within the prescribed period for reasons beyond his control.

**52.** An application by any person to the syndic for an investigation of facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 48, if the application is filed within the period prescribed in section 50.

## **DIVISION X INDEMNITY**

**53.** The committee shall decide, in respect of any claim addressed to the fund not exceeding \$10,000, whether the claim should be allowed, in whole or in part, and if so, shall determine the indemnity. The decision of the committee is final.

**54.** The Administrative Committee, upon the recommendation of the committee, shall decide, in respect of any claim addressed to the fund exceeding \$10,000, whether the claim should be allowed, in whole or in part, and if so, shall determine the indemnity. The Administrative Committee may, if it deems necessary, consult with the syndic. The decision of the Administrative Committee is final.

**55.** A decision may be rendered in respect of a claim regardless of any action filed by the claimant in a civil court, any judgment rendered by such court, or any decision of the committee on discipline or the Professions Tribunal in respect of the notary in question.

**56.** The maximum indemnity payable out of the fund is \$100,000 per claim arising from a notary's use of sums of money or other securities, in connection with a contract for professional services or a mandate, for purposes other than those for which they were entrusted to him in the practice of his profession.

The maximum indemnity payable out of the fund is \$100,000 for the aggregate of claims addressed to the fund arising from a notary's use of sums of money or other securities, in connection with one or more contracts for professional services or mandates concluded with several persons for the same service, for purposes other than those for which they were entrusted to him in the practice of his profession. Where the total of the claims allowed in a case contemplated in this paragraph exceeds the maximum indemnity, the indemnity is distributed in proportion to the amount of each claim.

For the purposes of this section, service includes the performance of professional services by a notary pursuant to a contract for his services or a mandate for the benefit of two or more persons, including, in particular but without limiting the foregoing, the acquisition or

sale of a family residence or an undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of the constitution of a legal person, and any investment of a movable or immovable nature.

**57.** The balance of a notary's general trust account the funds of which have been blocked or otherwise disposed of in accordance with sections 36 and 37 shall, at the expiry of 60 days following publication of a notice to that effect in a newspaper circulating in the place where the notary has or had his professional domicile, be distributed by the secretary of the committee among the claimants in proportion and up to the amount of each claim allowed, less the sum paid pursuant to section 56.

The secretary of the committee shall cause the notice to be published after one year has elapsed without a new claim exceeding \$100,000 against the fund in respect of that notary.

**58.** Upon receiving the indemnity, the claimant shall sign an acquittance in favour of the Order, with subrogation in all his rights in respect of his claim up to the amount of the indemnity against the notary concerned, the notary's successors, and any person, partnership, or legal person that is or might be held liable for such payment.

## **DIVISION XI TRANSITIONAL AND FINAL**

**59.** This regulation replaces the Regulation respecting trust accounting by notaries, approved by order in council 823-95 dated June 14, 1995.

**60.** The Regulation respecting the indemnity fund of the *Chambre des notaires du Québec* (R.R.Q., 1981, c. N-2, r.8) is replaced by this regulation but continues to govern claims filed against the fund before 31 October 1996, and claims filed after, but relating to facts prior to, that date and concerning a notary in respect of whom one or more other claims have already been filed.

**61.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 999-2002, 28 August 2002

Health Insurance Act  
(R.S.Q., c. A-29)

### **Devices which compensate for a physical deficiency and are insured under the Act — Amendment**

Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act

WHEREAS, under subparagraph *h* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the physical deficiencies, the services and the sets or subsets of devices that compensate for a physical deficiency that must be considered to be insured services for the purposes of the fifth paragraph of section 3, fix the age of the insured persons referred to therein and determine classes of insured persons, determine the cost that may be assumed by the Board on behalf of an insured person with a physical deficiency and the cases and conditions in and on which the Board assumes the cost of those insured services and in and on which the services are furnished, and prescribe the cases and conditions in and on which such property may or must be recovered;

WHEREAS the Government made the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act by Order in Council 612-94 dated 27 April 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Régie de l'assurance maladie du Québec was consulted with respect to the amendments;

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 Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* on 7 March 2001, on page 1312, with a notice that it could be made by the Government upon the expiry of 45 days from the date of that publication;

WHEREAS, after comments and representations were made and memoirs sent, an amendment was made to the draft Regulation;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act\***

Health Insurance Act  
(R.S.Q., c. A-29, s. 3, 5th par. and s. 69, 1st par., subpar. *h*)

**1.** Sections 26 and 68 of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act are amended by adding the words “, in geriatrics” after the word “rheumatology” in subparagraph 1 of the second paragraph of both sections.

**2.** 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 Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by Order in Council 612-94 dated 27 April 1994 (1994, *G.O.* 2, 1589), was last amended by the Regulation adopted by the Régie de l'assurance maladie du Québec by Decision RAMQ-003-2001 dated 14 November 2001 (2002, *G.O.* 2, 17). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

Gouvernement du Québec

## **O.C. 1032-2002, 4 September 2002**

An Act respecting transportation services by taxi  
(2001, c. 15)

### **Taxi transportation service intermediary's permit**

Taxi transportation service intermediary's permit

WHEREAS the Act respecting transportation services by taxi (2001, c. 15) was assented to on 21 June 2001 ;

WHEREAS, by Order in Council 689-2002 dated 5 June 2002, the Government fixed 30 June 2002 as the date of coming into force of section 32 of the Act ;

WHEREAS, under the first paragraph of that section, the Commission des transports du Québec shall issue a taxi transportation service intermediary's permit to any person wishing to act as an intermediary in an area located in a territory determined by order ;

WHEREAS it is expedient to determine that territory ;

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

THAT, as of 1 October 2002, the territory of the following municipalities be determined for the purposes of the first paragraph of section 32 of the Act respecting transportation services by taxi (2001, c. 15) :

- Ville de Gatineau ;
- Ville de Longueuil ;
- Ville de Trois-Rivières ;
- Ville de Québec ;
- Ville de Lévis ;
- Ville de Laval ;
- Ville de Saguenay ;
- Ville de Sherbrooke.

JEAN-ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## **Agreement**

An Act respecting elections and referendums  
in municipalities  
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS  
OF VOTING FOR AN ELECTION USING  
“ACCU-VOTE ES 2000 ” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF DES CÈDRES, a legal person established in the public interest, having its head office at 1060, chemin du Fleuve, Les Cèdres J7T 1A1, province of Québec, represented by the mayor, Lucien Daoust, and secretary-treasurer/general director, Normand Meilleur, o.m.a., under resolution number 02-03-061, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no. 02-03-061, passed at its meeting of March 12 2002 expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 3rd 2002 in the MUNICIPALITY ;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

**“659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 3rd 2002 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of March 12 2002 resolution no. 02-03-061 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard recipient or, if need be, plastic for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 If need be, the expression “transfer box” appoints the box wick are deposited the supports of ballots during the use of a plastic recipient of the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

## 3. ELECTION

3.1 For the purposes of the general election of November 3rd 2002 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary means to appropriately inform the electors of the new method of voting.

#### 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

#### 5. PROGRAMMING

Each memory card used is specially programmed either by the firm Cognicase inc., or by the returning officer under the supervision of the firm Cognicase inc., to recognize and tally ballot papers in accordance with this agreement.

#### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

##### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

##### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

##### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of the poll from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of the poll;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;



(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) receive electors' identification;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

#### **6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of this Act does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### **6.5 Notice of election**

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

#### **6.6 Polling subdivisions**

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

#### **6.7 Verification of electronic ballot box**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

##### **“§1.1 Verification of electronic ballot box**

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator discovers faithfully the mark made on the ballot, that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Cognicase inc. and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator detect faithfully the mark made on the ballot and until a perfect compilation of results is obtained. Any error or discrepancy shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Cognicase inc. ”.

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

“**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and

place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.”

**175.2.** The returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box. The representatives of the candidates may be present.”.

## 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

“**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope. They shall also be placed in a sealed transfer box.

The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

#### 6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

#### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

#### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

#### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

#### 6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot papers are available for each electronic ballot box.”.

#### 6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

#### 6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall open the envelope and examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

## POLLING PROCEDURE

### 6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

### 6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

### 6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

### 6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

### 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

### 6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

“224. The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

## 6.26 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 Compilation of results

The following is substituted for sections 229 and 230 of the Act:

“229. After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of ballot papers marked to indicate a vote for more than one candidate, the number of blank ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of the poll according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

230.1. The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of the poll of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of the poll, the senior deputy returning officer shall complete an overall statement of the poll in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.29 **Counting of the votes**

Section 232 of the Act is revoked.

### 6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

(1) has not been marked;

(2) has been marked in favour of more than one candidate;

(3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

### 6.33 **Partial statement of the poll, overall statement of the poll and copy to representatives of candidates**

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of the poll, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of the poll, one of which must be given to the senior deputy returning officer.

Using the partial statements of the poll and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of the poll.

The senior deputy returning officer shall immediately give a copy of the overall statement of the poll to the representatives.”.

Sections 239 and 240 of the Act are revoked.

### 6.34 **Separate, sealed and initialled envelopes given to the returning officer**

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of the poll. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the recipient of the electronic ballot box is plastic, place the ballots papers cards, which are in the recipient of the electronic ballot box, in a transfer box. He remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the recipient of the electronic ballot box is cardboard, remove the cardboard recipient containing the ballots papers. He remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer box or the recipients to the returning officer or to the person whom it appoints.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of the poll stating the results of the election and the partial statements of the poll. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statements of the poll drawn up by each senior deputy returning officer.”.

### 6.36 Adjournment of the addition of votes

Section 248 of the Act is amended:

(1) by substituting the words “an overall statement of the poll” for the words “a statement of the poll” in the first line of the first paragraph;

(2) by substituting the following for the second paragraph:

“Where it is not possible to obtain an overall statement of the poll, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of the poll, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of the poll, the statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.



#### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

#### 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

#### 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 15 2005.

#### 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

#### 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 3rd 2002 the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);

- the conduct of the advance poll and the poll;

- the cost of using the electronic voting system:

- the cost of adapting election procedures;

- non-recurrent costs likely to be amortized;

- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on using traditional methods;

- the number and duration of incidents during which voting was stopped, if any;

- the advantages and disadvantages of using the new method of voting;

- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

#### 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 3rd 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

#### 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES :

At Des CÈDRES, on this 14th day of the month of March of the year 2002.

THE MUNICIPALITY OF DES CÈDRES

By :

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LUCIEN DAOUST, *mayor*

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NORMAND MEILLEUR, O.M.A.  
*general director / Secretary-Treasurer*

In Sainte-Foy, on this 24th day of the month of July of the year 2002

THE CHIEF ELECTORAL OFFICER

---

MARCEL BLANCHET

In Québec, on this 24th day of the month of July of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By :

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JEAN PRONOVOST

**SCHEDULE****MODEL BALLOT PAPER HOLDER****MUNICIPALITY OF MATTEAU****Municipal Election - November 3, 2002****“SPÉCIMEN”****Mayor Office****Marie BONENFANT****Jean-Charles BUREAU**  
Appartenance politique**Pierre-A. LARRIVÉE****City Councillor  
District 1****Luc GAUTHIER****Carl LUSSIER****Hélène ROCHETTE**  
Appartenance politique**Sylvain SAINT-PIERRE**

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**Initials of the deputy  
returning officer**

**Polling subdivision**

Imprimerie Atwater Inc.  
3009, rue Notre-Dame Ouest  
Montréal (Québec)  
H4C 1N9

## Draft Regulations

### Draft Regulation

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1)

#### Fishing activities — 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 Fishing Activities Regulation, 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 improve the management of wildlife harvesting in certain bodies of water located in Area 22 in anticipation of an increase in the number of fishers in the years to come. In fact, a very large number of workers will be carrying out hydro-electric work in that territory; indications are that a large number of them will engage in fishing in the bodies of water located therein.

To that end, the draft Regulation proposes that all persons fishing in certain bodies of water located in Area 22 hold a right of access and report their daily catches, if any.

To date, study of the matter has not shown any impact on businesses, in particular on small and medium-sized businesses. Fishers, however, will be required to obtain a right of access and report their catches at the end of their fishing activity.

Further information may be obtained by contacting :

Serge Bergeron  
Faune et Parcs Québec  
Direction des territoires fauniques et de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec)  
G1R 5V7

Telephone: (418) 521-3880, extension 4078

Fax: (418) 646-5179

E-mail: serge.bergeron@fapaq.gouv.qc.ca

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 responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

RICHARD LEGENDRE,  
*Minister responsible for Wildlife and Parks*

### Regulation to amend the Fishing Activities Regulation \*

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 162, par. 9)

**1.** The Fishing Activities Regulation is amended by inserting the following after section 2:

“**2.1** To fish in the parts of Area 22, the plans of which appear in Schedules I and II, all fishing permit holders must obtain a right of access at the place designated for that purpose; they must also report on such activity at that place by indicating their daily catches, if any.”.

**2.** The Regulation is amended by adding Schedules I and II attached to this Regulation.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

\* The Fishing Activities Regulation was made by Order in Council 952-2001 dated 23 August 2001 (2001, *G.O.* 2, 4857) and has not been amended since.





## SCHEDULE II



## Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

### Competency certificates — 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 issuance of competency certificates, the text of which appears below, may be made by the Government upon the expiry of a 45-day period following this publication.

The purpose of the draft Regulation is to form a committee consisting of representatives of the construction industry and the artistic community. The committee is responsible for examining applications and making recommendations to the Commission de la construction du Québec (CCQ) concerning requests made by employers to exempt artists who carry out work on construction sites from the obligation to hold a competency certificate.

Further information on the draft Regulation may be obtained by contacting Normand Pelletier, Director, Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1 (telephone: (418) 643-7458; fax: (418) 644-6969).

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the aforementioned 45-day period, to the Minister of State for Human Resources and Labour and Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JEAN ROCHON,  
*Minister of State for Human Resources and Labour  
and Minister of Labour*

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## Regulation to amend the Regulation respecting the issuance of competency certificates\*

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 123.1, 1st par., subpars. 9 and 14, 2nd par.; 2001, c. 79)

**1.** The Regulation respecting the issuance of competency certificates is amended by inserting the following after section 15.5:

“**15.6.** The Commission may, upon the recommendation of the committee established under section 15.7, exempt a person from holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate if one of the following occurs:

(1) an employer proves that the production or restoration of an original work of research or expression, or its integration into the architecture or interior and exterior spaces of a building or civil engineering structure can only be adequately carried out with the help of that person; or

(2) an employer proves that the work involving the use of old techniques can only be adequately carried out with the help of that person.

**15.7** The exemption is valid for the duration of the work relating to the project referred to in the application and for the applicant-employer.

An Exemption Committee is hereby established for the purposes of examining applications made pursuant to section 15.6 and making recommendations thereon to the Commission.

The committee, chaired by the Director of the Direction de la qualification professionnelle of the Commission, shall consist of 12 members appointed as follows:

(1) two members designated by the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International) who shall have 1 vote worth 2 votes each;

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\* The Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987 (1987, *G.O.* 2, 1471) was made by the Regulation approved by Order in Council 150-98 dated 4 February 1998 (1998, *G.O.* 2, 1139). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.



(2) one member designated by the Confédération des syndicats nationaux (CSN-CONSTRUCTION) who shall have 1 vote worth 1 vote;

(3) one member designated by the Centrale des syndicats démocratiques (CSD-CONSTRUCTION) who shall have 1 vote worth 1 vote;

(4) one member designated by the Association de la construction du Québec (ACQ) who shall have 1 vote worth 1.5 votes;

(5) one member designated by the Association des constructeurs de routes et de grands travaux du Québec (ACRGTQ) who shall have 1 vote worth 1.5 votes;

(6) one member designated by the Association des entrepreneurs en construction du Québec (AECQ) who shall have 1 vote worth 1.5 votes;

(7) one member designated by the Association provinciale des constructeurs d'habitations du Québec (APCHQ) who shall have 1 vote worth 1.5 votes;

(8) one member designated by the Conseil des métiers d'art du Québec (CMAQ) who shall have 1 vote worth 3 votes;

(9) one member designated by the Regroupement des artistes en art visuel (RAAV) who shall have 1 vote worth 3 votes;

(10) one member designated by the restorers associations recognized by the Minister of Labour under subparagraph 13 of the first paragraph of section 19 of the Act, enacted by section 3 of chapter 79 of the Statutes of 2001, who shall have 1 vote worth 3 votes; and

(11) one member designated by Héritage Montréal who shall have 1 vote worth 3 votes.

It shall also include two observer members appointed by the Minister of Labour and the Minister of Culture and Communications, who shall sit without voting rights. Members and observer members shall remain on the committee until they are replaced.

The chair shall convene the committee meetings the quorum of which shall be the chair, two members appointed under subparagraphs 1 to 3 of the second paragraph, two members appointed under subparagraphs 4 to 7 of the second paragraph and two members appointed under subparagraphs 8 to 11 of the same paragraph.

The committee shall decide by a majority of the votes cast and its decision shall be sent in writing to the employer no later than four juridical days after the date the meeting was convened. The chair has no voting rights, except if there is a tie vote; the chair shall decide no later than two juridical days after the date of the sitting.”.

**2.** 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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## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Midwives

#### — Professional acts that may be performed by persons other than midwives

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 professional acts that may be performed by persons other than midwives on certain terms and conditions, adopted by the Bureau of the Ordre des sages-femmes du Québec, may be submitted to the Government for approval with or without amendment upon the expiry of 45 days following this publication.

The Regulation provides that professional acts reserved for midwives may be performed by certain categories of persons other than midwives under the supervision of a midwife.

The Regulation will have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Raymonde Gagnon, President, Ordre des sages-femmes du Québec, 430, rue Sainte-Hélène, bureau 405, Montréal (Québec) H2Y 2K7; tel.: (514) 286-1313.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to Mre Jean-K. Samson, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. They will be forwarded by the Office to the Minister responsible for the administra-

tion of legislation respecting the professions and may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and agencies.

JEAN-K. SAMSON,  
*Chair of the Office des  
professions du Québec*

## **Regulation respecting professional acts that may be performed by persons other than midwives on certain terms and conditions**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. h)

### **1.** In this Regulation,

“diploma meeting permit requirements” means a diploma recognized by regulation of the Government made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) as meeting the requirements for the permit issued by the Ordre des sages-femmes du Québec or, until the coming into force of such a regulation the purpose of which is to determine for the first time the diplomas which meet permit requirements, the diploma of university studies in midwifery awarded by Université du Québec à Trois-Rivières; and

“midwifery program” means the theoretical and clinical training leading to a diploma meeting permit requirements.

**2.** A person enrolled in the midwifery program may, for the purposes of the program, perform any professional act that a midwife may perform on the same conditions but only under the supervision of a midwife.

**3.** A person may, during a course, a training period or any training activity recommended by the Bureau for the purposes of the recognition of a diploma equivalence or training, perform any professional act that a midwife may perform on the same conditions but only under the supervision of a midwife.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## **Draft Regulation**

An Act respecting threatened or vulnerable species  
(R.S.Q., c. E-12.01)

### **Threatened or vulnerable species and their habitats — 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 threatened or vulnerable species and their habitats, 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 designate the American shad, the anatum peregrine and the bald eagle as vulnerable species in accordance with the list of threatened or vulnerable wild vertebrates, likely to be so designated that was published in 1993 in the *Gazette officielle du Québec*.

Their designation as vulnerable species has no impact on businesses, including small and medium-sized businesses.

For further information, please contact

Mr. Pierre Lachance  
Société de la faune et des parcs du Québec  
Direction des territoires fauniques et  
de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec) G1R 5V7

Telephone : (418) 521-3880, extension 4767  
Fax : (418) 646-5179  
E-mail : pierre.lachance@fapaq.gouv.qc.ca.

Any 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 responsible for Wildlife and Parks, 900, boulevard René-Lévesque Est, bureau 336, Québec (Québec) G1R 2B5 or to the Minister of the Environment, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec) G1R 5V7.

RICHARD LEGENDRE,  
*Minister responsible  
for Wildlife and Parks*

ANDRÉ BOISCLAIR,  
*Minister of  
the Environment*

## **Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats\***

An Act respecting threatened or vulnerable species  
(R.S.Q., c. E-12.01, s. 10)

**1.** The Regulation respecting threatened or vulnerable species and their habitats is amended in section 2

(1) by inserting the following before paragraph 1 :

“(0.1) the American shad (*Alosa sapidissima*);” ; and

(2) by inserting the following after paragraph 1 :

“(1.1) the anatum peregrine (*Falco peregrinus anatum*); and

(1.2) the bald eagle (*Haliaeetus leucocephalus*);”.

**2.** 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 Regulation respecting threatened or vulnerable species and their habitats was made by Order in council 950-2001 dated 23 August 2001 (2001, *G.O.* 2, 4851) and has not been amended since that date.



## Municipal Affairs

Gouvernement du Québec

### **O.C. 972-2002, 28 August 2002**

An Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, c. 27)

Establishment of two lists of local municipalities under sections 14 and 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions for the 2002 fiscal year

WHEREAS, under section 14 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, c. 27), the Government shall establish a list of local municipalities from among those to which Volet I of the Politique de consolidation des communautés locales applies;

WHEREAS, under section 14.1 of that Act, enacted by section 108 of section 54 of the Statutes of 2000, the Government shall establish a list of local municipalities from among those whose territory is situated in a census agglomeration or a census metropolitan area;

WHEREAS both lists are established for the purposes of section 232 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 68), which provides that a municipality included in one of the lists applicable for the 2002 fiscal year may not receive an equalization amount for that fiscal year greater than 50% of the amount computed in accordance with the rules prescribed by the regulation made under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the list that the Government must establish under section 14 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions and that must enumerate the local municipalities which, in accordance with section 232 of the Act to amend various legislative provisions concerning municipal affairs, may not receive for the 2002 fiscal year an equalization amount greater than 50% of the amount computed in accordance with the rules prescribed by the regulation made under paragraph 7 of section 262 of the Act respecting municipal taxation be established as follows:

Paroisse de Saint-Joseph-de-Lepage  
Paroisse de Sainte-Flavie  
Paroisse de Sainte-Anne-de-la-Pocatière  
Municipalité de Déléage  
Paroisse de Senneterre  
Village de Norbertville  
Canton de Maddington  
Municipalité de Sainte-Anne-du-Sault;

THAT the list that the Government must establish under section 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions and that must enumerate the local municipalities which, in accordance with section 232 of the Act to amend various legislative provisions concerning municipal affairs, may not receive for the 2002 fiscal year an equalization amount greater than 50% of the amount computed in accordance with the rules prescribed by the regulation made under paragraph 7 of section 262 of the Act respecting municipal taxation be established as follows:

Paroisse de Saint-Antonin

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## **O.C. 1013-2002, 4 September 2002**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Village de Saint-Sauveur-des-Monts  
and Paroisse de Saint-Sauveur

WHEREAS Village de Saint-Sauveur-des-Monts and  
Paroisse de Saint-Sauveur are concerned by Volet I of  
the Politique de consolidation des communautés locales ;

WHEREAS on 21 June 2001, the Minister of Municipal  
Affairs and Greater Montréal asked the Commission  
municipale du Québec to carry out a study into the  
advantages and disadvantages of an amalgamation of  
Village de Saint-Sauveur-des-Monts and Paroisse de  
Saint-Sauveur ;

WHEREAS the Commission municipale du Québec  
held a public hearing on 5 December 2001 and made a  
report to the Government recommending the amalgama-  
tion and giving reasons ;

WHEREAS the Commission municipale du Québec  
has forwarded its report to the Minister of Municipal  
Affairs and Greater Montréal ;

WHEREAS the Government may, under the Act respect-  
ing municipal territorial organization (R.S.Q., c. O-9),  
order the constitution of local municipalities resulting  
from amalgamations, in particular as a means of achiev-  
ing greater fiscal equity and providing citizens with  
services at lower cost or better services at the same cost ;

WHEREAS it is expedient to order the constitution of a  
local municipality pursuant to section 125.11 and 125.27  
of that Act ;

IT IS ORDERED, therefore, upon the recommendation  
of the Minister of Municipal Affairs and Greater  
Montréal :

THAT a local municipality resulting from the amalga-  
mation of Village de Saint-Sauveur-des-Monts and  
Paroisse de Saint-Sauveur be constituted, on the follow-  
ing conditions :

1. The name of the new municipality shall be “Ville  
de Saint-Sauveur”.

2. The description of the territory of the new town  
shall be the description drawn up by the Minister of  
Natural Resources on 24 July 2002 ; 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 des Pays-  
d'en-Haut.

5. Until the majority of the candidates elected at the  
first general election begin their terms, a provisional  
council formed of all the members of the council of the  
former municipalities in office at the time of coming  
into force of this Order in Council shall administer the  
new town.

An additional vote on the provisional council shall be  
allotted to the mayor of the former municipality on  
whose council there is a vacancy at the time of coming  
into force of this Order in Council, as well as for any  
seat on the provisional council that subsequently  
becomes vacant and that had been until that time filled  
by a member of the council of the former municipality.  
If the vacancy is a mayor's seat, the mayor's votes shall  
devolve upon the councillor who acted as acting mayor  
of the former municipality in question before the com-  
ing into force of this Order in Council, except if the  
councillor's seat is also vacant, in which case they shall  
devolve upon a councillor chosen by and from among the  
members of the provisional council who were council  
members of the former municipality where there is a  
vacancy.

A majority of the members of the provisional council  
in office at any time shall constitute a quorum.

6. The mayor of the former Village de Saint-Sauveur-  
des-Monts and the acting mayor of the former Paroisse  
de Saint-Sauveur shall act respectively as mayor and  
acting mayor of the new town until the mayor elected in  
the first general election begins his or her term. Until  
then, they shall continue to sit on the council of  
municipalité régionale de comté des Pays-d'en-Haut and  
they shall have the same number of votes as they had  
before the coming into force of this Order in Council.

7. Throughout the term of the provisional council,  
the members of the council shall continue to receive the  
salary that they received before the coming into force of  
this Order in Council.

The new town shall pay the same remuneration that  
the persons who were members of the council of the  
former Paroisse de Saint-Sauveur and who are not part  
of the council elected at the first general election re-  
ceived before the coming into force of this Order in  
Council until the date on which the next general election  
was to be held in that former municipality. The sever-  
ance allowance and transition allowance shall also be  
paid to them, where applicable.

8. The first sitting of the provisional council shall be held at the town hall in the territory of the former Paroisse de Saint-Sauveur. Notwithstanding the first paragraph of section 110.1 of the Act respecting municipal territorial organization, the first sitting shall be set for the second Wednesday following the coming into force of this Order in Council.

9. René Lachance, secretary-treasurer of the former Paroisse de Saint-Sauveur, shall act as director general and treasurer of the new town. He shall also act as returning officer for the first general election. Normand Patrice, secretary-treasurer of the former Village de Saint-Sauveur-des-Monts, shall act as assistant director general and clerk of the new town.

10. The polling for the first general election shall take place on 3 November 2002 and the polling for the second general election shall be held in 2005.

11. For the first general election and for any election held before the second general election, only those 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 council members of the former Paroisse de Saint-Sauveur shall be eligible for seats 1, 2 and 3 and only those persons who would be eligible under that Act if such election were an election of the council members of the former Village de Saint-Sauveur-des-Monts shall be eligible for seats 4, 5 and 6.

12. The terms and conditions for apportioning the cost of services provided for in intermunicipal agreements in effect before the coming into force of the amalgamation order shall apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. If a budget was adopted by a former municipality for the fiscal year during which this amalgamation order comes into force,

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new town for the remainder of the fiscal year during which this Order in Council comes into force shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the new town as resulting from the amalgamation shall be charged on behalf of each former municipality on the proportion of its standardized property value to the total standardized

property values of the former municipalities as they appear in the financial statements of the former municipalities for the fiscal year preceding the fiscal year in which this Order in Council comes into force; and

(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 financed with that amount, shall constitute a reserve that is paid to the general fund of the new town for the first fiscal year for which it adopts a budget for all its territory.

14. Any surplus accumulated on behalf of the former Village de Saint-Sauveur-des-Monts at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used to reduce taxes applicable to all the taxable immovables in that sector or repay the debts charged to that sector.

Any surplus accumulated on behalf of the former Paroisse de Saint-Sauveur at the end of the last fiscal year for which separate budgets were adopted shall be used to pay the amounts provided for in the second paragraph of section 7. If the amount of the surplus accumulated is insufficient for the payment, the new town shall complete that amount by imposing a special tax charged to all the taxable immovables in the sector made up of the territory of that former municipality. If the amount of the surplus accumulated is greater than the total amount required for payment of the amounts provided for in the second paragraph of section 7, the excess may be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality, for the purposes of repaying loans made by that former municipality, carrying out work in the sector or reducing the taxes applicable to all the taxable immovables in that sector.

15. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted separate budgets shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

16. The working fund of the new town shall be constituted of the working fund of each of the former municipalities as it exists at the end of the last fiscal year for which separate budgets were adopted. The repayment of the loans from the working fund of a former municipality shall continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. The sums accumulated in a special fund constituted by a former municipality for parking purposes or for park, playground and green area purposes under Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) shall be paid into a special fund constituted for that purpose by the new town and accounted for separately for use to the benefit of the sector made up of the territory of that former municipality.

18. The annual payment of the instalments in principal and interest on loans contracted under by-laws 279-85 and 291-88 adopted by the former Village de Saint-Sauveur-des-Monts shall remain charged to all the taxable immovables of the new town that are served by the waterworks system on the basis of their value as they appear in the assessment roll in force each year. The taxation clauses provided for in those by-laws are amended accordingly.

19. The annual payment of the instalments in principal and interest on loans contracted under by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to in section 18 shall remain charged to the sector made up of the territory of the former municipality that contracted them in accordance with the taxation clauses provided for in those by-laws.

20. Contributions to be paid by the former Paroisse de Saint-Sauveur to the former Village de Saint-Sauveur-des-Monts under Order 54 of the Minister of the Environment issued on 5 March 1976 for the 2003 to 2006 fiscal years shall be charged to the users of the sewer system in the sector made up of the territory of the former Paroisse de Saint-Sauveur. Those contributions shall be repaid by means of a compensation rate fixed annually by the council of the new town. Such contributions and the contributions paid by Municipalité de Piedmont under the same order shall be paid into the surplus accumulated on behalf of the former Village de Saint-Sauveur-des-Monts and dealt with in accordance with the provisions referred to in the first paragraph of section 14.

21. The new town may, for the 2003, 2004 and 2005 fiscal years, instead of fixing a single general property tax rate specific to the category of non-residential immovables provided for in section 244.33 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), fix a general property tax rate for each sector made up of the territory of a former municipality.

22. The property assessment roll of the former Village de Saint-Sauveur-des-Monts and the property assessment roll of the former Paroisse de Saint-Sauveur, drawn up for the 2000, 2001 and 2002 fiscal years, shall constitute the property assessment roll of the new town

from the coming into force of this Order in Council until 31 December 2002.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment to the values on the property assessment rolls shall be made for the 2002 fiscal year.

With respect to an entry on the property assessment roll of the town that precedes the first roll that the town shall cause to be drawn up, it is considered that for the purpose of establishing the actual value that is entered on the roll, the property market conditions respective to each of the property assessment rolls referred to in the first paragraph, as they existed on 1 July of the second fiscal year that preceded the coming into force of those rolls were taken into account.

For the purposes of determining the market conditions on the date referred to in the third paragraph, the information related to the transfer of property that occurred before and after that date may be taken into account.

The date of reference to the property market of each of the rolls referred to in the first paragraph, determined under the third paragraph, shall appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll.

The median proportions and comparative factors of the property assessment roll of the new town for the 2002 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll are respectively those of the property assessment rolls referred to in the first paragraph.

23. The town shall have the first three-year assessment roll drawn up, in accordance with section 14 of the Act respecting municipal taxation, for the 2003, 2004 and 2005 fiscal years.

To that end, all acts already performed in respect of the property assessment roll for the 2003, 2004 and 2005 fiscal years of the former Village de Saint-Sauveur-des-Monts and of the former Paroisse de Saint-Sauveur shall be considered performed in respect of the roll of the new town and for the same fiscal years.

24. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall be charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that municipality.



25. 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 do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable to 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.

26. 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*

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## SCHEDULE

### OFFICIAL DESCRIPTION OF THE TERRITORIAL LIMITS OF MUNICIPALITÉ DE SAINT-SAUVEUR, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES PAYS-D'EN-HAUT

The territory of Municipalité de Saint-Sauveur, in municipalité régionale de comté des Pays-d'en-Haut, following the amalgamation of Paroisse de Saint-Sauveur and Village de Saint-Sauveur-des-Monts, includes all the lots of the cadastre of Paroisse de Saint-Sauveur, lines of communication, hydrographic and topographic features, built-up lots and the parts thereof within the perimeter starting at the apex of the northern angle of Lot 533 and running along, successively, the following lines and demarcations: southeasterly, the northeastern line of the said lot; northeasterly, the northwestern line of lots 413 and 411, then part of the northwestern line of Lot 410 to the southwestern line of Lot 788; southeasterly, the southwestern line of lots 788, 789 and 790; northeasterly, the southeastern line of lots 790, 791, 408-19, 408-20 and 408-21; southeasterly, part of the northeastern line of Lot 408 to the apex of its eastern angle; southwesterly, the southeastern line of lots 408, 410, 412 and 413; southeasterly, the northeastern line of Lot 399 crossing Rue Principale and Autoroute des Laurentides that it meets; southwesterly, part of the southeastern line of the said lot to the apex of the northern angle of Lot 49; southeasterly, the northeastern line of lots 49 and 51; southwesterly, part of the southeastern

line of Lot 51, crossing Lot 554 (railway) and Autoroute des Laurentides that it meets, to the apex of its southern angle; southeasterly, successively, part of the northeastern line of Lot 250, then part of the northeastern line of Lot 620 to its eastern extremity; southwesterly, part of the line that borders to the southeast the said lot to the apex of the western angle of Lot 62; southeasterly, part of the line that borders to the northeast lots 620 and 249 to the apex of the eastern angle of the latter lot; southwesterly, the line that borders to the southeast lots 249 to 215 in declining order and that crosses Morin, Cupidon, Denis and Jackson lakes that it meets; northwesterly, the line that borders to the southwest lots 215, 299, 300, 301, 474, 475 and 476 and that crosses Lac des Becs-Scie that it meets; finally, northeasterly, the line that borders to the northwest lots 476 to 486, 488, 489, 492 to 511, 560 (railway) and 514 to 533 to the starting point, that line crossing Route 364, Montée Papineau Nord, Route de l'Église and Rivière à Simon that it meets.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Québec, 24 July 2002

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

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## Notices

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### Notice

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

#### **Bureau d'audiences publiques sur l'environnement — Study and public hearings mandate**

The Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment has given the Bureau d'audiences publiques sur l'environnement (BAPE) the mandate to conduct a study and to hold public hearings on the sustainable development of swine production in Québec, in accordance with article 6.3 of the Environment Quality Act.

The BAPE will set the sustainable development framework for swine production, by taking into account the economic, social and environmental aspects. It will also examine the production models in Québec with respect to their strengths and weaknesses, and the impacts on rural and agricultural areas as well as on the processing sector. For this reason, the BAPE will propose one or more production models which promote harmony between the activities, while considering the favourable conditions for the development of swine production which respect the environment.

The BAPE mandate will begin on 15 September 2002, and the report containing observations and analyses will be submitted to the Minister no later than 15 September 2003.

Québec City, 5 September 2002

ANDRÉ BOISCLAIR,  
*Minister of State for Municipal Affairs  
and Greater Montréal, the Environment  
and Water and Minister of the Environment,*

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Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

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