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Coming into force of Acts

Gouvernement du Québec

O.C. 330-2003, 5 March 2003

Pesticides Act (1987, c. 29)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Pesticides Act

WHEREAS the Pesticides Act (1987, c. 29) was assented to on 18 June 1987;

WHEREAS, under section 134 of the Act, the provisions of the latter come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 873-88 dated 8 June 1988, the Government fixed 7 July 1988 as the date of coming into force of the Pesticides Act, except sections 11 to 13, paragraph 2 of section 63 and sections 105 to 107;

WHEREAS it is expedient to fix 5 March 2003 as the date of coming into force of sections 11 to 13, paragraph 2 of section 63 and sections 105 to 107 of the Pesticides Act (R.S.Q., c. P-9.3);

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 5 March 2003 be fixed as the date of coming into force of sections 11 to 13, paragraph 2 of section 63 and sections 105 to 107 of the Pesticides Act (R.S.Q., c. P-9.3).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 331-2003, 5 March 2003

Pesticides Act
(R.S.Q., c. P-9.3)

Pesticides Management Code

Pesticides Management Code

WHEREAS, under sections 101, 104, 105, 105.1, 106 and 107 and paragraphs 2 and 10 to 13 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3), the Government may make regulations on the matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Pesticides Management Code was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2002 with the draft Regulation to amend the Regulation respecting the application of the Environment Quality Act, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Pesticides Management Code with amendments;

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

THAT the Pesticides Management Code, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Pesticides Management Code

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 10 to 13)

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Pesticides Management Code

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 10 to 13)

CHAPTER I INTERPRETATION AND SCOPE

1. In this Code,

“administrative region” means any region established by Décret 2000-87 dated 22 December 1987 concerning the revision of Québec administrative regions, as it reads at the time it applies; (*région administrative*)

“containment works” means a floor, a platform or a watertight basin, built so as to contain and allow for the complete recovery of any pesticide leak or spillage; (*aménagement de rétention*)

“label” means the label governed by the Pest Control Products Act (R.S.C. 1985, c. P-9) and by the Pest Control Products Regulations (C.R.C., c. 1253) and, where applicable, by the Pest Control Products Act (S.C., 2002, c. 28) and the regulations thereunder; (*étiquette*) and

“protected immovable” means

(1) a built-up lot situated within a built-up area determined by a development plan or a metropolitan land use planning and development plan, except a lot zoned by municipal authorities for industrial purposes;

(2) any of the following buildings situated outside a built-up area, including the 30-metre strip around such building that belongs to the owner of the building:

(a) a residential dwelling, except if it is located in a forest area and used from time to time;

(b) a public building described in section 2 of the Public Buildings Safety Act (R.S.Q., c. S-3) and any other administrative or commercial building; and

(c) a tourist accommodation establishment within the meaning of section 1 of the Regulation respecting tourist accommodation establishments made by Order in Council 1111-2001 dated 19 September 2001; and

(3) the land on which the following are situated:

(a) a recreation, sports or cultural centre;

(b) an outdoor recreation centre or a nature interpretation centre;

(c) a camping establishment referred to in paragraph 9 of section 7 of the Regulation respecting tourist accommodation establishments;

(d) a municipal park or a public beach;

(e) a golf club;

(f) an ecological reserve established under the Ecological Reserves Act (R.S.Q., c. R-26.1); and

(g) a park established under the Parks Act (R.S.Q., c. P-9) or under the National Parks Act (R.S.C. 1985, c. N-14). (*immeuble protégé*)

The expression “watercourse or body of water” includes intermittent watercourses, ponds, except municipal aerated ponds and artificial lakes without any outlet, marshes, swamps and peat bogs, except peat bogs or any part thereof being harvested but does not include ditches; the relative distance from a watercourse or body of water is measured from the normal high water mark as defined in the Politique de protection des rives, du littoral et des plaines inondables made by Décret 103-96 dated 24 January 1996.

2. References to a class of pesticides, a class or subclass of permits or certificates are references to the classes of pesticides, classes and subclasses of permits and certificates established by the Regulation respecting permits and certificates for the sale and use of pesticides made by Order in Council 305-97 dated 12 March 1997.

3. The application of this Code extends to a reserved area and an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

4. This Code applies to pesticides referred to in the Regulation respecting permits and certificates for the sale and use of pesticides, except pesticides referred to in section 9 of that Regulation. Notwithstanding the preceding, only sections 25, 26 and 29 to 33 of this Code apply to Class 5 pesticides referred to in that Regulation.

CHAPTER II STORAGE

DIVISION I GENERAL

5. Every pesticide must be stored in premises where the ambient conditions, in particular temperature, humidity and precipitation, are not likely to alter the pesticide, its container or label. It must also be stored in such manner that its content is not released into the environment.

That requirement does not apply to a Class 4 pesticide stored for personal use or for another person free of charge.

6. A person who stores unprepared or undiluted pesticides in quantities equal to or greater than 1,000 litres or 1,000 kilograms must immediately notify Urgence-Environnement under the authority of the Minister of the Environment in the case of pesticide fire on the storage premises, and specify at that time the nature of the stored pesticides and the approximate quantity stored on the premises.

DIVISION II STORAGE IN A TANK OR MOBILE TANK

7. In this Division, “mobile tank” means a tank with a capacity of 1,000 litres or more that is used to store liquid pesticides, that can be attached to a truck, trailer or semi-trailer and that can be moved.

“Tank” means, except for the purposes of section 8, a tank with a capacity of 1,000 litres or more, permanently installed and used for the storage of liquid pesticides.

8. It is prohibited to bury a pesticide tank.

9. A tank and mobile tank must be kept closed outside of loading and unloading periods in order to prevent any pesticide discharge.

10. A tank must be installed in a containment works and be protected from vehicle impact by barriers.

The containment works must be able to contain at least 110% of the capacity of the largest tank in the same containment works.

11. A mobile tank in storage premises must be placed in a containment works except if the mobile tank contains pesticides that have been prepared or diluted.

The containment works must be able to contain at least 110% of the capacity of the largest stationary mobile tank in the same containment works.

12. The loading or unloading of unprepared or undiluted pesticides into or from a tank or a mobile tank must take place in a containment works.

An aircraft need not to be placed in a containment works for loading or unloading.

13. Pesticide or rainwater that has accumulated in a containment works must be removed immediately after a pesticide leak or release or after the precipitation ceases.

14. A person who stores pesticides in a tank, mobile tank or tank car must control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods.

DIVISION III STORAGE OF CERTAIN PESTICIDES

15. It is prohibited to store Class 1, Class 2 or Class 3 pesticides

(1) less than 30 metres from a watercourse or body of water;

(2) less than 100 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r.5) or for the supply of a waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³; and

(3) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

Those prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

16. It is prohibited to store Class 1, Class 2 or Class 3 pesticides within a flood area having a flood recurrence interval of 0 to 20 years that is mapped or identified in a development plan or a metropolitan land use planning and development plan or in a municipal zoning by-law.

That prohibition does not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

17. It is prohibited to store Class 1, Class 2 or Class 3 pesticides in a flood area having a flood recurrence interval of 20 to 100 years that is mapped or identified in a development plan or a metropolitan land use planning and development plan or in a municipal zoning by-law.

That prohibition does not apply where

(1) the quantity of stored pesticides is less than 100 litres or 100 kilograms;

(2) the quantity of stored pesticides is equal to or greater than 100 litres or 100 kilograms and the storage time is less than 15 consecutive days;

(3) the pesticides are stored higher than the highest level reached by water in a 100-year interval flood;

(4) holders of Subclass C1, C7, D1 or D7 permits store the pesticides for a period of less than 60 consecutive days between 1 June and 28 February; or

(5) the operators of the storage site hold a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

18. Holders of a Class A or Subclass B1, C4, C5 or D4 permit who store unprepared or undiluted Class 1, Class 2 or Class 3 pesticides must store them in premises having a containment works. The same applies to any person who stores a quantity equal to or greater than 100 litres or 100 kilograms of unprepared or undiluted Class 1, Class 2 or Class 3 pesticides for a period longer than 15 consecutive days.

19. Holders of a Class A or Subclass B1 permit who load or unload Class 1, Class 2 or Class 3 pesticides in storage premises must do so in a containment works.

20. A person who stores Class 1, Class 2 or Class 3 pesticides must have on the premises adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

21. A person who stores Class 1, Class 2, Class 3 or Class 4 pesticides must post in a conspicuous place near the entrance to the premises a sign indicating the following services and their telephone numbers:

(1) the Centre Anti-Poison du Québec;

(2) the municipality's police and fire services;

(3) Urgence-Environnement Québec;

(4) the regional office of the Ministère de l'Environnement; and

(5) the Canadian Transport Emergency Centre.

That requirement does not apply to the storage of Class 4 pesticides for personal use or for another person free of charge.

22. A person is exempted for a period of two years as of 3 April 2003.

(1) from the prohibition set out in the first paragraph of section 15 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if a containment works is present;

(2) from the prohibition set out in the first paragraph of section 16 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if they are stored above the highest level reached by water in a 100-year interval flood; and

(3) from the prohibition set out in the first paragraph of section 17 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides within a flood plain referred to in that provision.

DIVISION IV CIVIL LIABILITY INSURANCE

23. A person who stores unprepared or undiluted pesticides to be sold or used during remunerated work in premises having a pesticide storage capacity greater than 10,000 litres or 10,000 kilograms must maintain in force, for the entire duration of storage and for the minimum amounts appearing hereunder, a civil liability insurance contract for damage to the environment arising from storage activities or from sudden and accidental events occurring on the storage premises :

(1) \$750,000, where the storage capacity is less than 100,000 litres or 100,000 kilograms ; or

(2) \$1,000,000, where the storage capacity is equal to or greater than 100,000 litres or 100,000 kilograms.

That requirement does not apply to the Government, its departments and bodies.

24. The civil liability insurance contract must include a provision under which the insurer undertakes to notify the Minister of the Environment within 48 hours following the revocation, cancellation, termination or modification of the coverage of the insurance contract.

CHAPTER III SALE

25. It is prohibited to sell or offer for sale Class 4 or Class 5 pesticides that contain an active ingredient listed in Schedule I and that are intended to be applied on lawns.

26. It is forbidden to sell Class 4 pesticides that have been mixed or impregnated with fertilizer.

It is also prohibited to sell or offer for sale Class 4 or Class 5 pesticides in a wrapping containing more than one pesticide container, except if the label mentions that there are several containers.

27. The holder of a Class A or B pesticide sales permit must place the pesticide offered for sale in such manner that the customers cannot help themselves, except in the case of Class 4 pesticides used as wood preservatives or antifouling paint.

CHAPTER IV PESTICIDE USE

DIVISION I GENERAL PROHIBITIONS

28. The use of strychnine and DDT (1,1,1-trichloro-2,2-di(p-chlorophenyl)ethane) is prohibited.

29. It is prohibited to apply pesticides for purposes other than agricultural purposes less than 3 metres from a watercourse or body of water.

That prohibition does not apply when pesticides are applied by aircraft or

(1) on a railway ballast if the application is carried out using a windbreak ;

(2) on dams and dikes ;

(3) on wooden telephone or hydro poles ; or

(4) in water when intended for such use.

30. It is prohibited to apply pesticides for agricultural purposes

(1) less than 3 metres from a watercourse, body of water or ditch where the total flow area (average width multiplied by average height) of the part of the watercourse or ditch is greater than 2 m² ; the relative distance from a ditch is measured from its edgeline ; and

(2) less than 1 metre from a watercourse, including an intermittent watercourse, or a ditch having a total flow area of 2 m² or less for the part of the watercourse or ditch ; the relative distance from a watercourse is measured from the normal high water mark of the watercourse as defined in the policy referred to in the second paragraph of section 1 and the relative distance from a ditch is measured from its edgeline.

DIVISION II USE OF PESTICIDES IN CERTAIN LOCATIONS

31. It is prohibited to apply pesticides containing an active ingredient listed in Schedule I on lawns on

(1) land owned by the State ;

(2) land owned by municipalities, a metropolitan community and the Kativik Regional Government, except for the unused parts of street rights-of-way ;

(3) land owned by educational institutions at the college level governed by the Act respecting private education (R.S.Q., c. E-9.1) or the General and Vocational Colleges Act (R.S.Q., c. C-29) and educational institutions at the university level referred to in paragraphs 1 to 10 of section 1 of the Act respecting educational institutions at the university level (R.S.Q. c. E-14.1);

(4) land owned by health and social services institutions governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5); and

(5) land where sports, recreational, cultural or artistic activities are held for children under 14 years of age.

That restriction does not apply to lawns on golf courses, in nurseries or in seed orchards, or lawns on land that is

(1) used only for sports purposes by persons older than 14 years of age;

(2) fenced in; or

(3) equipped with a watering system.

32. Only biopesticides or pesticides containing an active ingredient listed in Schedule II may be applied inside or outside the following establishments:

(1) childcare centres, day care centres, stop over centres, nursery schools, and home childcare residences governed by the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2); and

(2) preschools, primary or secondary schools governed by the Education Act (R.S.Q., c. I-13.3), the Education Act for Cree, Inuit and Naskapi Native persons (R.S.Q. c. I-14) or the Act respecting private education.

However, pesticides containing any of the following active ingredients may also be applied in such a place:

(1) *cyfluthrin* to control or destroy flying insects, crawling insects, food insects or wood insects if the pesticide application

i. is carried out by the holder of a Subclass C5 permit; and

ii. is preceded by the application of a biopesticide or a pesticide containing an active ingredient listed in Schedule II, carried out at least seven days before the application of a pesticide containing that active ingredient, in the case of crawling insects or wood insects;

(2) *resmethrin* to destroy wasps', hornets' or bees' nests if the pesticide application is carried out by the holder of a Subclass C5 permit; and

(3) *bromadiolone* in combination with *denatonium benzoate* or *bromethalin* in combination with *denatonium benzoate* to control or destroy rodents if

i. the pesticide is used in solid form in traps, stations or containers that prevent any contact with human beings and that are locked; and

ii. the pesticide application is carried out by the holder of a Subclass C5 permit.

The holder of the permit must, at least 24 hours before the application referred to in the second paragraph, notify the administrator of the establishment referred to in the first paragraph and state the reasons justifying the application of the active ingredient, the name of the pesticide and active ingredient that will be applied, the registration number of the pesticide under the federal legislation on pest control products and the proposed date and time of the application.

33. The application of a biopesticide or pesticide containing an active ingredient listed in Schedule II or cyfluthrin or resmethrin, inside or outside an establishment referred to in the first paragraph of section 32, must be carried out outside the establishment's care, teaching or activity periods that take place inside or outside the establishment.

The application must be followed by a period of at least 8 hours before the services or activities resume in the treated premises if the application is carried out inside the establishment; if the applied pesticide contains cyfluthrin, that period must be at least 12 hours.

DIVISION III USE OF PESTICIDES BY CERTAIN CLASSES OF PERSONS

§1. General

34. When a provision of this Division does not expressly specify to whom it applies, the provision applies to any person required to hold a permit or certificate under the Pesticides Act (R.S.Q., c. P-9.3) and to a farmer or forest manager within the meaning of section 33 of that Act who use Class 3 pesticides.

35. It is prohibited to prepare pesticides

(1) less than 30 metres from a watercourse or body of water;

(2) less than 100 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or for the supply of a waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³; and

(3) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

The above prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003.

36. The preparation or application of a pesticide must be carried out in accordance with the manufacturer's instructions appearing on the label of the pesticide.

Where instructions and a provision of this Division are inconsistent, the more restrictive applies.

37. A person who prepares a pesticide must use a water supply system designed to prevent pesticide backflow to the water supply source.

38. A person who prepares or loads pesticides must have on the operation site adequate equipment and material capable of stopping any leak or release of pesticides during the operations and if required, of cleaning the premises.

The person must remain on the site throughout the operations so as to prevent any leak or release of pesticides onto the ground.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

39. Equipment used for the application, loading or unloading of pesticides must be in good working order and be adapted to the type of work to be done.

40. A person applying pesticides must ensure that, at the time of the application, no person other than a person participating in the application is present on the premises or is exposed to pesticides.

§2. *Application of pesticides in a place where air is confined*

I. Scope

41. This subdivision governs the application of pesticides in a location where air is confined, in particular, in buildings, railway cars, trailers, cattle cars, grain elevators, silos, greenhouses, ships, vehicles, containers or under tarpaulins other than tarpaulins used on crops or on soil in fields.

II. Spraying

42. It is prohibited to carry out pesticide spraying in a building used as a dwelling except with an aerosol can.

43. A person who carries out pesticide spraying must, at the time the work begins, post a sign on each entrance to the treated premises if

(1) the quantity of pesticides to be applied in the premises is determined by the volume of the premises to be treated; or

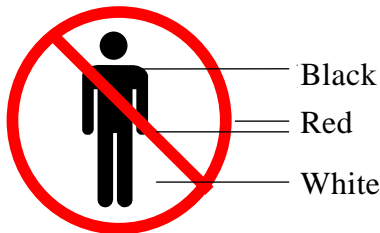
(2) the pesticide label of the pesticide states there must be a waiting period after the pesticide application during which access to the premises is prohibited.

That requirement does not apply to a farmer or forest manager.

44. The sign referred to in section 43 must measure 21.5 cm by 28 cm, be posted in a conspicuous place, be weather resistant and contain the following information, pictogram and warning :

(1) the following warning : "TRAITEMENT AÉROSOL AVEC PESTICIDES";

(2) under the above warning, the following pictogram :



(3) under the pictogram, the words “ACCÈS INTERDIT AVANT LE” with the date and time of the end of the waiting period in legible characters;

(4) at the bottom of the sign, the following items:

- i. “Active ingredient:”
- ii. “Registration number:”
- iii. “Permit holder:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials):”
- viii. “Centre Anti-Poison du Québec:”
- ix. “Date of application:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person, the telephone number of the Centre Anti-Poison du Québec and the pesticide application date.

The sign may not contain any information other than the information prescribed in the first paragraph.

III. Fumigation

45. Fumigation that releases gas may be carried out in premises where the air is confined only if all openings have been sealed to prevent the gas from escaping to the outside.

46. In addition to the requirement of section 40, the person who is to carry out the fumigation must first ensure that no livestock or pets remain in the premises, to avoid their being exposed to the fumigant.

The person must seal and post a sign on each entrance to the premises to be treated.

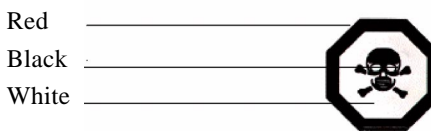
If the premises have no specific entrance, at least four signs must be posted visibly at various points along the perimeter of the premises

47. The sign required by section 46 must measure 21.5 cm by 28 cm, be conspicuous, weather resistant and contain the following information and pictogram:

(1) the following warnings:

“FUMIGATION”
 “DANGER – GAZ OU FUMÉE TRÈS TOXIQUE”
 “ACCÈS INTERDIT”

(2) under the above-mentioned warning, the following pictogram:



(3) under the pictogram, the following items:

- i. “Active ingredient:”
- ii. “Registration number:”
- iii. “Permit holder or farmer:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials):”
- viii. “Date and time of fumigation:”
- ix. “Centre Anti-Poison du Québec:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide used, the name, address and telephone number of the permit holder or farmer, the certificate number of the person responsible for the work, the name and initials of that person, the date and time of fumigation and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any information other than the information prescribed in the first paragraph.

48. It is prohibited to remove a sign or give access to treated premises as long as the concentration of fumigant in the premises has not stabilized below the following concentrations:

- (1) 0.3 ppm or 0.42 mg/m³ phosphine;
- (2) 1.0 ppm or 3.9 mg /m³ methyl bromide;
- (3) 0.1 ppm or 0.18 mg/m³ ethylene oxide;
- (4) 5,000 ppm or 9,000 mg/m³ carbon dioxide.

For other fumigants, it is prohibited to remove a sign or give access to treated premises for as long as the concentration of fumigant used in the premises has not stabilized below the concentration given on the label of the fumigant.

§3. Application of pesticides outdoors

I. Land application

1. Scope and general

49. The provisions of sections 50 to 74 govern the application of pesticides outdoors, in a location where air is not confined, by a means other than an aircraft.

50. It is prohibited to apply pesticides

(1) less than 100 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or for the supply of a waterworks if, in the latter case, the average daily operating capacity is greater than 75m³; and

(2) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

The prohibition set out in subparagraph 2 of the first paragraph does not apply to

(1) the pesticide application for extermination during work described in permit Subclasses C5 or D5, if it is carried out more than 3 metres from the water intake or catchment;

(2) the pesticide application for ornamental horticulture during work described in permit Subclasses C4 or D4, other than an application on golf courses, more than 3 metres from an individual tubular well and, where applicable, if the application is carried out on the ground, on the condition that the ground is entirely covered with vegetation; or

(3) the pesticide application on a railway ballast, if it is carried out with a windbreak.

51. The application of pesticides to control black flies or adult mosquitoes is prohibited, except the application of residual adulticide carried out to complete the application of larvicide.

52. The application of a pesticide using an air-blast sprayer other than a sprayer equipped with a horizontal ramp or tunnel sprayer must be carried out more than 20 metres from a protected immovable if the spraying is done facing away from the protected immovable, and 30 metres from a protected immovable if the spraying is done facing the protected immovable.

That requirement does not apply if the application of the pesticide is carried out by, or at the request of, the owner of the immovable or of the operator residing in the immovable.

53. Birdseed treated with an avicide must be placed in a feeder equipped with a device preventing the wind from carrying the seed away.

The feeder must bear a sign giving the name of the avicide used, the name, address and telephone number of the permit holder, the Centre Anti-Poison du Québec and its telephone number.

2. Forest area

54. For the purposes of sections 55 to 57, “forest area” includes a farm woodlot and other wooded areas or areas reserved for the growing of trees for reforestation but does not include seed orchards and blueberry fields under commercial operation.

55. It is prohibited to spray pesticides in a forest area using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

56. A person who intends to apply pesticides in a forest area must, before any application, mark off the perimeter of the pesticide application area.

57. A person who intends to apply pesticides for the purposes of forest development or preservation in a forest area must, before any application, post a sign at the point of access of each passable road leading into the area to be treated.

The sign must be conspicuous, legible from the road, weather resistant and contain the following information and pictogram:

(1) at the top of the sign, the words: “TRAITEMENT AVEC PESTICIDES”;

(2) under the preceding, a pictogram showing the prohibition to gather plants for consumption in the treated area; and

(3) under the pictogram, the following items:

- i. “Active ingredient:”
- ii. “Registration number:”
- iii. “Permit holder or farmer or forest manager:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials):”
- viii. “Centre Anti-Poison du Québec:”
- ix. “Date of application:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, farmer or forest manager, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any information other than the information prescribed in the second paragraph.

The sign must remain in place until the end of the edible plant season in the treated area.

58. The owner or operator of a forest area in the domain of the State who intends to apply pesticides or have them applied over more than 100 hectares in the same year in the same administrative region must, before the work begins, publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory, in accordance with the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

3. Road, railway or power corridor

59. The application of pesticides in a road, railway or power corridor for their maintenance must be carried out more than 30 metres from a watercourse or body of water, except for an application of

(1) pesticides by injection in a tree or shrub, carried out more than 3 metres from a watercourse or body of water;

(2) *Chondrostereum purpureum* on a tree stump, carried out more than 3 metres from a watercourse or body of water;

(3) *glyphosate* on leaves with a knapsack sprayer or ramp-type sprayer, carried out more than 10 metres from a watercourse or body of water;

(4) *glyphosate* or *triclopyr* on a tree stump, carried out more than 15 metres from a watercourse or body of water;

(5) *triclopyr* on the base of a tree or shrub, carried out more than 15 metres from a watercourse or body of water; and

(6) pesticide on a railway ballast, carried out with a windbreak, or on wooden hydro or telephone poles.

60. The application of pesticides in a road, railway or power corridor for their maintenance must be carried out more than 30 metres from a protected immovable, except for an application of

(1) pesticides by injection in a tree or shrub;

(2) *Chondrostereum purpureum* on a tree stump;

(3) pesticides other than *Chondrostereum purpureum* on a tree stump, carried out more than 3 metres from a protected immovable;

(4) pesticides on the base of a tree or shrub, carried out more than 3 metres from a protected immovable;

(5) pesticides on leaves with a knapsack or ramp-type sprayer, carried out more than 10 metres from a protected immovable;

(6) pesticides on a railway ballast, carried out with a windbreak, or on wooden hydro or telephone poles; and

(7) pesticides carried out by, or at the request of, the owner of a protected immovable or of the operator residing in the immovable.

61. It is prohibited to spray pesticides in a power line corridor using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

62. A person who intends to apply pesticides in a road, railway or power corridor for their maintenance must, before any application, mark off the limits of the areas in which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60 that are contiguous to or within the limits of the pesticide application area.

63. An owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied for their maintenance must, before the work begins, publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory.

The message must be published or broadcast at least one week and at the earliest three weeks before the beginning of the work.

The message must contain the following information :

- (1) the name and telephone number of the owner or operator of the territory where the work will be carried out;
- (2) the nature, goal and location of the work;
- (3) the period during which work will be carried out;
- (4) restrictions on access to the treated premises and on consumption of plants from the premises; and
- (5) the name and telephone number of the permit holder in charge of the work.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

64. An owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied for their maintenance must, before the work begins, notify the regional office of the Ministère de l'Environnement and the municipality or, in the case of an unorganized territory, the regional county municipality.

The notice must be in writing and must be received at the regional office at least 21 days before the beginning of the work and must contain the following information :

- (1) the name and address of the owner or operator of the territory where the work will be carried out;
- (2) the names of the permit and certificate holders who will carry out the work and their permit and certificate numbers;
- (3) the total area to be treated;
- (4) the name and registration number of the pesticides to be applied;
- (5) the proposed quantity, dosage and number of pesticide applications;
- (6) the proposed date of the work; and
- (7) the name, address and telephone number of any person responsible for providing information on the work.

The following documents must be sent with the notice :

(1) a map describing the pesticide application areas and the sections within those areas on which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60;

(2) a copy of the label of the pesticides used; and

(3) a copy of the message required by section 63.

The permit holder responsible for the carrying out of the work may not start the work until the notice has been given.

65. An owner or operator of a road, railway or power corridor who applies pesticides or has pesticides applied for their maintenance must keep a register of the work and enter the following information: the dates of pesticide application, the name and registration number of the pesticides used, the areas treated and the weather conditions at the time of each application.

The register must be kept by the owner or operator for a period of five years after the date of the last entry.

66. An owner or operator of a road, railway or power corridor must send to the Minister a report on the pesticide application carried out to maintain the corridor. The report must give the name, quantity and registration number of the pesticides used, the dates of application, the areas treated, the equipment used, the names of the permit and certificate holders who carried out the work and their permit and certificate numbers. The report must be sent at the latest two months after the end of the work.

4. Ornamental horticulture

67. A person who, for remuneration, applies pesticides as described in a Subclass C4 permit may not apply pesticides impregnated or mixed with fertilizer on lawns unless, in the latter case, the fertilizer and pesticides are kept in separate containers.

5. Ornamental horticulture and extermination

68. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit may not apply pesticides containing an active ingredient listed in Schedule I on a lawn other than a golf course lawn.

69. The holder of a Subclass C4, C5, D4 or D5 permit who prepares Class 1, Class 2 or Class 3 pesticides or who loads or unloads a sprayer containing such pesticides must do so in a containment works.

70. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, before any pesticide application, take all measures to avoid contaminating a surface or object that must not be treated. The person must also ensure that no pet is exposed to the pesticide.

In addition, a person may apply pesticides outside a building only if all openings through which there may be pesticide infiltration have been closed.

71. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, after any pesticide application on a lawn or a paved surface or on trees or ornamental or decorative bushes, post a sign at all points of access to the treated area if the area is fenced or otherwise delimited.

If the treated area is not fenced or otherwise delimited or is only partly so, a sign must be posted every 20 linear metres along the perimeter of the area.

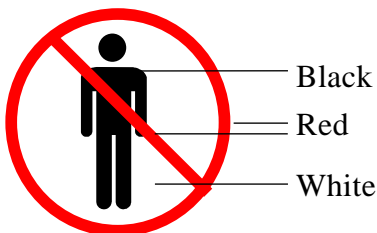
Those requirements do not apply to a person carrying out a pesticide application on a golf course or a pesticide injection into ornamental or decorative plants.

72. The sign required by section 71 must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information, pictogram and warnings:

(1) on the front,

(a) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES” and the warning “*NE PAS ENTRER EN CONTACT AVANT LE*”, with, at the end of warning in legible characters, the date and time of the end of the prohibition period which must be at least 24 hours after the pesticide application;

(b) under the above, the following pictogram:



(c) under the pictogram, the plants treated;

(d) at the bottom of the sign, the words: “Laisser sur place un minimum de 24 heures”; and

(2) on the back,

(a) the following items:

- i. “Date and time of application:”
- ii. “Active ingredient:”
- iii. “Registration number:”
- iv. “Permit holder:”
- v. “Address:”
- vi. “Telephone number:”
- vii. “Certificate number:”
- viii. “Certificate holder: (initials):”
- ix. “Centre Anti-Poison du Québec:”

including, for each item above, information on the date and time of the pesticide application and the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

Where the pesticide application includes the exclusive use of biopesticides or pesticides containing an ingredient listed in Schedule II, the circle and slash on the pictogram referred to in item *b* of subparagraph 1 of the first paragraph may be either red or yellow.

The sign may not contain any information other than the information prescribed in the first paragraph except an indication that fertilizer has been applied.

73. An owner or operator of a golf course who applies pesticides or has pesticides applied on the golf course must, every three years beginning on 3 April 2006, send a pesticide reduction plan to the Minister.

The plan must contain the following information:

(1) identification:

- (a) the name and address of the owner or operator of the golf course;
- (b) the name and address of the golf course;
- (c) the name and address of the person or permit holder who is responsible for pesticide applications;
- (d) the name of the person responsible for maintaining the green areas of the golf course; and
- (e) the total area of the golf course including only the greens, tee off areas, alleyways, sand traps and roughs, in hectares;

(2) pesticides:

(a) the total quantity of pesticides applied annually in the three years preceding the sending of the plan to the Minister for the following classes of pesticides, with an indication of the area treated for each class :

- fungicides ;
- insecticides ;
- herbicides ;
- rodenticides ; and
- other pesticides ; and

(b) the name of each pesticide used for each category and its registration number ;

(3) pesticide reduction objectives for the next three years, expressed in percentage or in quantity, for each of the following classes of pesticides :

- (a) fungicides ;
- (b) insecticides ;
- (c) herbicides ;
- (d) rodenticides ; and
- (e) other pesticides ;

(4) methods used to observe, monitor and detect harmful organisms and the data collected, the preventive measures, the cultivation methods and the control methods used to attain the pesticide reduction objectives ;

(5) measures taken to prevent pesticides from migrating outside the premises ; and

(6) an evaluation of the results attained in regard to the reduction plan for the three previous years, their justifications and the corrective adjustments to be made, if any.

The plan must be signed by an agronomist who is a member of the Ordre des agronomes du Québec.

74. A person who applies pesticides on trees, shrubs or lawns on a golf course must post a sign at the registration desk and at the tee off area of each hole where the pesticide is applied.

Each sign posted at a tee off area must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information :

(1) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES” ;

(2) under the above warning, the following items :

- i. “Location of application :” (tee off area, alleyway, sand trap, green or rough)
- ii. “Date and time of application :”
- iii. “Active ingredient :”
- iv. “Registration number :”
- v. “Certificate number :”
- vi. “Certificate holder : (initials) :”
- vii. “Centre Anti-Poison du Québec :”

including, for each item above, information on the location of application, the date and time of application, the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign posted on the tee off area may not contain any information other than the information prescribed in the second paragraph and must remain in place for at least 24 hours after the pesticide application.

The sign posted at the registration desk must bear the information respecting the hole numbers and the locations treated with pesticides for each hole.

II. Application by aircraft

1. Scope and general

75. The provisions of sections 76 to 86 govern the application of pesticides by aircraft.

For the purposes of those provisions, and despite the second paragraph of section 1, a watercourse does not include an intermittent watercourse.

76. It is prohibited to apply pesticides

(1) less than 100 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or for the supply of a waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³ ; and

(2) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works, except works supplying a building that is a dwelling in a forest area used from time to time.

77. A person who intends to apply pesticides must, before any application, identify the limits of the application areas with markers or a flight line guidance system, including the limits of any areas in which the application of pesticide is prohibited under section 76, 80 or 86 that are contiguous to or within the limits of the pesticide application area.

78. A pilot who applies pesticides by means of an aircraft or a person who supervises such an application from another aircraft must have a map or aerial photograph at hand showing the pesticide application area and the sections of that area within which the application of pesticides is prohibited under section 30, 76, 80 or 86, and showing a 300-metre strip around the pesticide application area.

2. Forest or non-agricultural purposes

79. Section 40 does not apply to a person who applies pesticides in a forest area or for non-agricultural purposes.

80. Phytocides, other than phytocides applied on dikes and dams, applied in a forest or for non-agricultural purposes must be applied more than 30 metres from a watercourse or body of water or a protected immovable if the height of the application apparatus from the ground is less than 5 metres, and more than 60 metres from a watercourse or body of water or protected immovable if the height of the application apparatus from the ground is 5 metres or more.

Bacillus thuringiensis (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must be applied at a distance from a protected immovable at least equal to the width of one treatment flight lane of the aircraft.

81. A person who intends to apply pesticides other than insecticides for purposes of forest management or preservation in a forest area described in section 54 must, before any application, post a sign at the point of access of each passable road leading into the area to be treated in accordance with the second, third and fourth paragraphs of section 57.

82. An owner or operator of a forest area in the domain of the State who intends to apply pesticides or have pesticides applied over more than 100 hectares in

the same year in the same administrative region, or an owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied must, before the work begins, publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory in accordance with the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

83. Except if the application of pesticides is subject to the environmental impact assessment and review procedure under the Environment Quality Act, a person who intends to apply or have phytocides or *Bacillus thuringiensis* (*kurstaki* variety) applied in a forest or for non-agricultural purposes must, before the work begins, notify the regional office of the Ministère de l'Environnement and the municipality, or in the case of an unorganized territory, the regional county municipality, in the manner prescribed in the second and third paragraphs of section 64. The notice must indicate the location of the operations base of any aircraft used and the potential sites of emergency release should the aircraft be in difficulty.

The permit holder responsible for the work referred to in the first paragraph may not start the work until the notice has been given.

84. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must keep a register of the work.

Where the pesticide is applied in a forest in the domain of the State or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

The register must contain the following information: the dates on which the pesticides were applied, the name and registration number of the pesticide used, the areas treated and the weather conditions at the time of each application.

In addition, the register must be kept by the persons referred to in the first and second paragraphs for a period of five years after the date of the last entry.

85. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must send to the Minister a report on the application of the pesticides.

Where the pesticide is applied in a forest in the domain of the State, or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

The report must specify the name, quantity and federal registration number of the pesticides used, the dates of application, the areas treated, the equipment used, the names of the permit and certificate holders who carried out the work and their permit and certificate numbers. The report must be sent at the latest two months after the end of the work.

3. Agricultural purposes and non-forest environment

86. Pesticides other than *Bacillus thuringiensis* (*Kurstaki* variety) applied for agricultural purposes and in a non-forest environment must be applied more than 30 metres from a watercourse or body of water or protected immovable if the height of the application apparatus from the ground is less than 5 metres, and more than 60 metres from a watercourse or body of water or protected immovable if the height of the apparatus from the ground is 5 metres or more.

For the purposes of the first paragraph, the watercourses referred to in “watercourse or body of water” are the parts of a watercourse wider than 4 metres; that width is measured from the normal high water mark of the watercourse as defined in the policy referred to in the second paragraph of section 1. For watercourses whose width is less than 4 metres, the prohibition set out in section 30 continues to apply.

Bacillus thuringiensis (*kurstaki* variety) applied for agricultural purposes and in a non-forest environment must be applied at a distance from a protected immovable at least equal to the width of one treatment flight lane of the aircraft.

CHAPTER V PENAL

87. Every person who commits an offence

(1) under the provisions of sections 5, 6, 8 to 33, 35 to 40, 42 to 48, 50 to 53, 55 to 64, 66 to 74, 76 to 78, 80 to 83, 85 and 86 is liable to the penalties prescribed in section 118 of the Pesticides Act; or

(2) under the provisions of sections 65 and 84 is liable to the penalties prescribed in section 112 of the Pesticides Act.

CHAPTER VI FINAL

88. The Regulation respecting the use of DDT (R.R.Q., 1981, c. Q-2, r.24) is revoked.

89. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 26 which comes into force on 3 April 2004, sections 11, 12, 19 and 27 which come into force on 3 April 2005, sections 25 and 68 which come into force on 3 April 2006, and section 52 which comes into force on 3 April 2008.

SCHEDULE I (ss. 25, 31 and 68)

PROHIBITED ACTIVE INGREDIENTS

Insecticides

Carbaryl
Dicofol
Malathion

Fungicides

Benomyl
Captan
Chlorothalonil
Iprodione
Quintozène
Thiophanate-méthyl

Herbicides

2,4-D (present as sodium salt)
2,4-D (present as ester)
2,4-D (present as acid)
2,4-D (present as amine salt)
Chlorthal diméthyl
MCPA (present as ester)
MCPA (present as amine salt)
MCPA (present as potassium or sodium salt)
Mecoprop (present as acid)
Mecoprop (present as amine salt)
Mecoprop (present as potassium or sodium salt)

SCHEDULE II

(ss. 32, 33 and 72)

AUTHORIZED ACTIVE INGREDIENTS

INSECTICIDES

Acetamiprid
 Boric Acid
 Borax
 Silicon dioxide (diatomaceous earth)
 Methoprene
 Disodium octaborate tetrahydrate
 Ferrous phosphide
 Insecticide soap
 Spinosad

FUNGICIDES

Sulfur
 Calcium sulfide or calcium polysulfide

HERBICIDES

Acetic Acid
 Mixture of capric and pelargonic acids
 Herbicide soap

5662

Gouvernement du Québec

O.C. 332-2003, 5 March 2003

Pesticides Act
 (R.S.Q., c. P-9.3)

**Permits and certificates for the sale and use
 of pesticides
 — Amendments**

Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides

WHEREAS, under paragraphs 1, 3 to 5, 8, 10 and 11 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2002 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides, with amendments;

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 amend the Regulation respecting permits and certificates for the sale and use of pesticides, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
 respecting permits and certificates for
 the sale and use of pesticides***

Pesticides Act
 (R.S.Q., c. P-9.3, s. 109, pars. 1, 3 to 5, 8, 10 and 11)

1. Section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides is amended by substituting the following for paragraph 1:

“(1) any pesticide that is exempt from registration under subsection (1) (b) of section 5 of the Pest Control Products Regulations (C.R.C., c. 1253);”

2. The following is substituted for paragraph 2 of section 6:

“(2) any pesticide for the lawn mixed or impregnated with a fertilizer, except a mixture in Class 3.”

3. Section 7 is amended

(1) by substituting “, cockroach or earwig” for “or cockroach” in clause *b* of subparagraph 1 of the first paragraph;

(2) by adding “that does not contain an active ingredient listed in Schedule I of the Pesticides Management Code made by Order in Council 331-2003 dated 5 March 2003” after “treatment” in clause *f* of subparagraph 1 of the first paragraph;

* The Regulation respecting permits and certificates for the sale and use of pesticides, made by Order in Council 305-97 dated 12 March 1997 (1997, *G.O.* 2, 1251), has not been amended.

(3) by deleting clauses *a*, *c* and *n* of subparagraph 2 of the first paragraph;

(4) by inserting the following after clause *p* of subparagraph 2 of the first paragraph:

“(q) D-phenothrin;

(r) boric acid;

(s) disodium octaborate tetrahydrate;

(t) sulfur;

(u) calcium sulphide or calcium polysulphide;

(v) ferric phosphate;

(w) spinosad;

(x) acetamipride; or

(y) borax; or”; and

(5) by substituting “sous-paragraphes *o* et *p*” for “paragraphes *o* et *p*” in the French text of the second paragraph.

4. Section 12 is amended

(1) by striking out “or a Subclass B1 retail permit” in paragraph 1; and

(2) by inserting the following after paragraph 1:

“(1.1) the sale or offer for sale of a Class 1 to Class 3 and a Class 5 pesticide to a person holding a Subclass B1 retail permit;”.

5. Section 13 is amended

(1) by substituting “Retail Sale of Class 1 to Class 3 Pesticides” for “Retail Sale of Class 1 to Class 4 Pesticides” in paragraph 1 of the first paragraph;

(2) by striking out “E4 or” in clause *ii* of subparagraph *b* of paragraph 1;

(3) by striking out subparagraph *e* of paragraph 1;

(4) by striking out clause *ii* of subparagraph *e* of paragraph 1; and

(5) by striking out subparagraph *f* of paragraph 1.

6. The following is substituted for section 23:

“23. The fees exigible for the issue of a permit shall be indexed on 1 January of each year on the basis of the rate of change in the Consumer Price Index for Canada as published by Statistics Canada; the rate shall be calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the period equivalent to the second preceding year.

The indexed fees shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of the Environment shall publish the indexing in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, in any other media.”.

7. Section 26 is amended by substituting the following for the first paragraph:

“26. The fees prescribed in section 21 apply to an application for modification of a Class B “Retail Permit” where the holder applies for a modification or an addition of a subclass.”.

8. Section 33 is amended by substituting the following for paragraph 1:

“(1) Certificate for the Wholesale of Pesticides: Class A;

(1.1) Certificate for the Retail Sale of Pesticides: Class B;”.

9. The following is substituted for section 34:

“34. A Class A “Certificate for the Wholesale of Pesticides” authorizes a natural person holding the certificate to perform the sales activities described in a Class A “Wholesale Permit”, in respect of Class 1 to Class 5 pesticides, or to supervise those activities at the places where they are performed.

34.1. A Class B “Certificate for the Retail Sale of Pesticides” authorizes the retail sales activities related to Class 1 to Class 4 pesticides, included in Subclasses B1 and B2 described below, performed by a natural person:

(1) a Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” authorizes the holder to perform the retail sales activities described in a Class B “Retail Permit”, Subclass B1, in respect of Class 1 to Class 3 pesticides, or to supervise those activities at the places where they are performed; and

(2) a Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides” authorizes the holder to perform the retail sales activities described in a Class B “Retail Permit”, Subclass B2, in respect of Class 4 pesticides, or to supervise those activities at the places where they are performed.”.

10. Section 36 is amended

(1) by striking out “, E4” in subparagraph *a* of paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) a Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” authorizes the holder

(*a*) to perform, using an application method other than by aircraft, work involving the use of a Class 3 pesticide, except work described in Subclasses E3 and E5, in an agricultural operation, including a woodlot forming a part thereof, registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, in order to destroy or control harmful animals and plants, to control the growth of plants, to protect the plants against parasitic diseases, or to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of the agricultural operation; and

(*b*) to supervise those activities at the places where they are performed;”;

(3) by striking out “, E4” in subparagraph *a* of paragraph 2 ;

(4) by substituting “in Subclass E5” for “in Subclasses E4 and E5” in subparagraph *a* of paragraph 3; and

(5) by striking out paragraph 4.

11. Section 37 is amended

(1) by substituting “Subclasses F1 to F2” for “Subclasses F1 and F2” in the part preceding paragraph 1; and

(2) by inserting the following after paragraph 1:

“(1.1) a Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for the Application of Class 3 Pesticides” authorizes the holder

(*a*) to perform, using an application method other than by aircraft, work involving the use of a Class 3 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter II of Title II of the Forest Act and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush and maple syrup production or for the supply of a wood processing plant; and

(*b*) to supervise those activities at the places where they are performed;”.

12. Section 38 is amended by substituting “Subclass E1, E1.1, F1 or F1.1” for “Subclass E1 or F1” in the fourth paragraph.

13. Section 43 is amended by adding the following after the first paragraph:

“In addition, the holder of a Class A or Class B certificate may not supervise or perform sales activities not authorized in the certificate.”.

14. Section 47 is amended by substituting “registration issued pursuant to the federal Pest Control Products Act” for “federal registration” in subparagraph 2 of the second paragraph.

15. Section 49 is amended

(1) by striking out subparagraph *e* of subparagraph 2 of the second paragraph; and

(2) by striking out clause *ii* of subparagraph *e* of subparagraph 2 of the second paragraph.

16. The Regulation is amended

(1) by striking out “certified” in section 20, the fourth paragraph of section 28, the first paragraph of section 39 and section 42; and

(2) by substituting “registration” for “federal registration” in section 48, clause *b* of subparagraphs 1 and 2 of the second paragraph of section 49, subparagraph 2 of the second paragraph of section 50 and subparagraph 5 of the second paragraph of section 51.

17. Sections 57 to 59 and Schedule I are revoked.

18. A Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” established by section 10 is required in keeping with the following deadline :

(1) on 3 April 2005, for a farmer, a person authorized to act on behalf of a farmer or an employee of a farmer, whose family names begin with the letters A to D ;

(2) on 3 April 2006, for the persons referred to in paragraph 1, whose family names begin with the letters E to L ; and

(3) on 3 April 2007, for the persons referred to in paragraph 1, whose family names begin with the letters M to Z.

19. A Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for the Application of Class 3 Pesticides” established by section 11 is required on 3 April 2005.

20. A Subclass B1 “Permit for the Retail Sale of Class 1 to Class 4 Pesticides” that has not expired on 3 April 2003 remains in force until it expires and shall correspond, with no further formality, to the permits of Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” and Subclass B2 “Retail Sale of Class 4 Pesticides”.

21. A Class AB “Certificate for the Sale of Pesticides” that has not expired 3 April 2003 remains in force until it expires and shall correspond, with no further formality, to a Class A “Certificate for the Wholesale of Pesticides” and a Class B “Certificate for the Retail Sale of Pesticides”, Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” and Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides”.

22. A Subclass E4 “Certificate for the Fumigation of Phosphine” that has not expired on 3 April 2003 remains in force until it expires and shall correspond, with no further formality, to the certificate of Subclass E5 “Certificate for the Fumigation of Certain Gases”.

23. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 4 of section 5 and paragraph 2 of section 15 which come into force on 3 April 2005, and paragraph 3 of section 5 and paragraph 1 of section 15 which come into force on 3 April 2007.

Gouvernement du Québec

O.C. 333-2003, 5 March 2003

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

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Environment Quality Act

WHEREAS, under paragraphs *c* and *f* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein ;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), a draft Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2002 with a notice that it could be made by the Government upon the expiry of 60 days following that publication ;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Environment Quality Act with amendments ;

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 amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Environment Quality Act*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. c and f)

1. Section 1 of the Regulation respecting the application of the Environment Quality Act is amended by substituting “Order in Council 103-96 dated 24 January 1996” for “Order in Council 1980-87 dated 22 December 1987” in paragraph 3.

2. Section 2 is amended

(1) by deleting subparagraph *a* of paragraph 10;

(2) by substituting the following for subparagraph *c* of paragraph 10:

“(c) work involving the use of pesticides other than phytocides or *Bacillus thuringiensis* (*Kurstaki variety*) by aircraft, in a forest environment or for non-agricultural purposes;” and

(3) by substituting “*b*” for “*a*” in subparagraph *b* of paragraph 13.

3. Section 3 is amended by substituting “*b*” for “*a*” in subparagraph *b* of paragraph 2.

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

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Gouvernement du Québec

O.C. 351-2003, 5 March 2003

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under paragraphs *b*, *b.1*, *c.1*, *c.2*, *c.3*, *e*, *f*, *f.1*, *f.2* and *g* of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may, by regulation, govern the matters set forth therein;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), which sets out, in particular, the conditions applicable to a resident who files an application for an undertaking and the conditions applicable to the selection of independent immigrants and persons seeking to stay temporarily;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* dated 11 December 2002 with a notice that it could be made upon the expiry of 45 days following that publication;

WHEREAS comments were received during and after that 45-day period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration and of the Minister for Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, pars. *b*, *b.1*, *c.1*, *c.2*, *c.3*, *e*, *f*, *f.1*, *f.2* and *g*)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended by substituting “family member” for “dependant” in paragraph *k* of subsection 1.

2. Section 5 is amended by substituting the following paragraphs for the second and third paragraphs:

“The application shall be examined on foreign soil or at a Québec immigration office, in Québec, when it is filed by a foreign national who is in Québec

(*a*) for a temporary stay primarily intended for work or study purposes; or

(*b*) for prospecting purposes and who is an entrepreneur, a self-employed person or an investor.

The application shall be filed and examined at an immigration office of the Gouvernement du Québec, in Québec, and an application previously filed on foreign soil may be examined in Québec

(*a*) where the Minister responsible for the administration of the Immigration and Refugee Protection Act undertakes proceedings to provide for assessment of the case in Canada;

(*b*) where the protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act was granted by the competent authorities and that person is in Québec; or

(*c*) where the application is for a selection certificate belonging to the family class.”

3. Section 15 is amended by inserting the following sentence in the third paragraph after the first sentence: “The certificate is valid for a period of not more than 36 months.”

4. Section 19 is amended in the French text by striking out “de” preceding “d’époux” in the part preceding subparagraph *i* of paragraph *g*.

5. Section 23 is amended by adding “, or, if the resident was subject to such a proceeding, the resident has paid all arrears owed” at the end of paragraph *b.1* after the word “Act”.

6. Section 24.1 is amended

(1) by substituting “a statement” for “a document”;

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

“Where an officer authorized under the Immigration and Refugee Protection Regulations provides the Minister with new evidence under section 117 (8) of those Regulations, the Minister shall notify the sponsor thereof and the Minister of Health and Social Services so that the Minister may confirm or revise the statement.”

7. Section 27 is amended by inserting the following paragraphs after subsection 2:

“In the case of an application made by a foreign national of full age belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18, the Minister shall assess the application taking into account, in particular, the steps taken by a sponsor pursuant to subparagraph *a* of paragraph 2 of section 40.1.

In the case of an application filed pursuant to subparagraph *a* of the third paragraph of section 5 by a foreign national belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18, who is a family member of a Québec resident, the Minister shall assess the application taking into account, in particular, that the foreign national is the subject of an undertaking given by that resident on the form prescribed by the Minister attesting that:

(*a*) the resident satisfies the conditions provided for in subparagraphs *b*, *b.1* and *b.3* to *b.7* of the first paragraph of section 23; and

(*b*) the undertaking satisfies sections 42 and 46.1 to 46.3 for a 3-year period in the case of a spouse or *de facto* spouse or, in the case of a dependant child, for a 10-year period or until the child is of full age, whichever is longer.”

8. Section 28 is amended by inserting “the Religious Corporations Act (R.S.Q., c. C-71), the Roman Catholic Bishops Act (R.S.Q., c. E-17), the Act respecting fabriques (R.S.Q., c. F-1) or the Professional Syndicates Act (R.S.Q., c. S-40),” after “(R.S.Q., c. C-38),” in paragraph *a*.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 728-2002 dated 12 June 2002 (2002, G.O. 2, 3245). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

9. Section 44 is amended in the French text by substituting “des” for “de ses”.

10. Section 45 is amended

(1) by substituting “des” for “de ses” in the first paragraph of the French text;

(2) by deleting the third paragraph;

(3) by striking out “described in section 19” in the fifth paragraph.

11. Section 46 is amended by adding the following paragraph at the end:

“The monetary obligations stemming from a former undertaking subscribed to by such legal person must be taken into account in the calculation of the legal person’s financial capacity.”.

12. Section 47 is amended

(1) by substituting “tuition and study-related fees” for “tuition fees” in clause *ii* of paragraph *a* of subsection 1;

(2) by substituting the following for clause *iii* of paragraph *a* of subsection 1:

“*iii.* documents showing that the foreign national and each accompanying family member have health and hospital insurance or are covered by a social security agreement on health and that such insurance or agreement will be in effect throughout the entire duration of the stay as a foreign student or family member accompanying such a student;”;

(3) by adding “however, that condition does not apply to a foreign national whose temporary stay is primarily intended for work purposes and to accompanying family members, to the family members of the foreign national whose temporary stay is primarily intended for study purposes, or to a foreign national having filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act;” at the end of clause *ii* of paragraph *b* of subsection 1;

(4) by substituting “the amount for the basic needs established in accordance with Schedule C” for “\$9600 if he is alone, \$12,960 if he has one dependant and \$16,000 if he has 2 family members. Where applicable, the amount shall be increased by \$2240 for each additional family members accompanying the foreign national” in subsection 3.

(5) by substituting “the letter of acceptance issued by the educational institution. The certificate is valid for a period of not more than 36 months.” for “his application for a certificate” in subsection 5;

(6) by substituting “if that child must attend elementary or secondary school” for “if that child is subject to the obligation to attend school referred to in section 14 of the Education Act (R.S.Q., c. I-13.3)” in subsection 6;

(7) by substituting “if that child must attend elementary or secondary school” for “if that child is subject to the obligation to attend school referred to in section 14 of the Education Act” in subsection 7;

(8) by adding the following subsection at the end:

“(9) Subparagraph *a* of subsection 1 does not apply to an application for a certificate of acceptance by a foreign national who is a minor child whose situation is the responsibility of a director of youth protection designated in accordance with the Youth Protection Act (R.S.Q., c. P-34.1) or of a local community service centre established in accordance with the Act respecting health services and social services (R.S.Q., c. S-4.2).”.

13. Section 49 is amended

(1) by substituting “6 weeks” for “3 months” in paragraph *g*;

(2) by substituting “a minor child who has filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act or a minor child of a foreign national having filed such an application” for “a minor child claiming refugee status in Canada or recognized as a refugee in Canada or the minor child of such a claimant or refugee” in paragraph *h*;

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

“(i) a foreign national and family members present in Québec referred to in subparagraphs *a* and *b* of the third paragraph of section 5 and who are holders of a selection certificate; and

(j) a foreign national who holds a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act issued with a view to the granting of permanent residence.”.

14. Section 50 is amended in the French text by substituting “et n’est pas susceptible de nuire au” for “au et n’est pas susceptible de nuire” in paragraph *c* of subsection 1.

15. Section 56 is amended by substituting “\$3850” for “\$850” in subparagraph *a* of the first paragraph.

16. Section 57 is amended

(1) by substituting “a foreign national who has filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act” for “a person referred to in section 18 or an accompanying family member of such a person” in the fourth paragraph;

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

“A foreign national who is a minor child whose situation is the responsibility of a director of youth protection designated in accordance with the Youth Protection Act or of a local community service centre established in accordance with the Act respecting health services and social services is exempted, if the foreign national files an application for a certificate of acceptance for studies, from payment of the duties payable as provided in the first two paragraphs, for such an application.”.

17. Schedule A is amended

(1) by substituting the following for paragraphs 2.C.2.1 to 2.C.2.10 in Criterion 2.C.2:

“2.C.2.1 from 0 to less than 6 months, if the candidate has completed or will complete in Québec, within 12 months of filing an application for a selection certificate, studies leading to a diploma issued by an educational institution in Québec referred to in Criterion 1.1, paragraph *d, g, h, i* or *j*

2.C.2.2 6 months

2.C.2.3 1 year

2.C.2.4 1 year and a half

2.C.2.5 2 years

2.C.2.6 2 years and a half

2.C.2.7 3 years

2.C.2.8 3 years and a half

2.C.2.9 4 years

2.C.2.10 4 years and a half

2.C.2.11 5 years or more”;

(2) by substituting “Accompanying spouse or *de facto* spouse” for “Spouse or *de facto* spouse” in the heading of Criterion 2.C.6 and in the heading of Factor 7;

(3) by substituting the following for paragraphs *a* to *j* in Criterion 3.1:

“(a) from 0 to less than 6 months, if the candidate has completed or will complete in Québec, within 12 months of filing an application for a selection certificate, studies leading to a diploma issued by an educational institution in Québec referred to in Criterion 1.1, paragraph *d, g, h, i* or *j*

(b) 6 months

(c) 1 year

(d) 1 year and a half

(e) 2 years

(f) 2 years and a half

(g) 3 years

(h) 3 years and a half

(i) 4 years

(j) 4 years and a half

(k) 5 years or more”;

(4) by substituting the factor heading “8. Accompanying children” for “8. Children”;

(5) by substituting “family members” for “dependent persons” in the heading of the criterion related to “Factor 9. Financial self-sufficiency”.

18. Schedule B is amended

(1) by substituting “Number of family members” for “Number of dependants”;

(2) by substituting “each additional family member” for “each additional dependant” at the end.

19. Section 15 comes into force on the fifteenth day following publication of this Regulation in the *Gazette officielle du Québec*, sections 1 to 11, 14, 17 and 18 come into force on 14 April 2003 and sections 12, 13 and 16 come into force on 16 June 2003.

Gouvernement du Québec

O.C. 352-2003, 5 March 2003

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Wind energy and biomass energy

Regulation respecting wind energy and biomass energy

WHEREAS, under subparagraphs 2.1 and 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may, by regulation, determine for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1, and the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting wind energy and forest biomass energy was published in Part 2 of the *Gazette officielle du Québec* of 11 December 2002, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments on the draft Regulation were received;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and the Minister for Energy:

THAT the Regulation respecting wind energy and biomass energy, attached to the Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation respecting wind energy
and biomass energy**

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpars. 2.1 and 2.2)

1. For the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) or for the purposes of the supply plan provided for in section 72 of the Act, and for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act,

(1) the block of wind energy related to the establishment of facilities for the assembly of wind turbines shall be produced in Québec from a total installed capacity of 1 000 megawatts, within the following timeframe:

- 200 megawatts, no later than 1 December 2006;
- 100 megawatts, no later than 1 December 2007;
- 150 megawatts, no later than 1 December 2008;
- 150 megawatts, no later than 1 December 2009;
- 150 megawatts, no later than 1 December 2010;
- 150 megawatts, no later than 1 December 2011;
- 100 megawatts, no later than 1 December 2012; and

(2) the block of energy produced in Québec from biomass shall be produced from an installed capacity of 100 megawatts, the biomass constituting at least 75% of the source of supply. A first portion of that block must be delivered as of 2005 and the rest of the block no later than 2010.

The block referred to in subparagraph 1 of the first paragraph is subject to a guarantee of hydroelectric power installed in Québec, in the form of a balancing agreement between the electric power distributor and another Québec supplier or Hydro-Québec, in its electricity production operations.

For the purposes of this Regulation, “biomass” means biodegradable residual materials rejected or not accepted following reclamation activities and intended for disposal in landfill sites or incinerators, recovered biodegradable residual materials for which other reclamation methods are not technically possible or in whose respect the costs related to the other reclamation methods are detrimental to the competitiveness of the promoter or the operator, and the residual forest biomass constituted of bark, sawdust, planing chips, primary, secondary and de-inking sludge, cooking liquors from pulp and paper mills, pruning or thinning residues and logging residues, branches and tree tops.

2. The electric power distributor must, no later than 12 May 2003, solicit public tenders for each block referred to in section 1.

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

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Gouvernement du Québec

O.C. 355-2003, 5 March 2003

An Act respecting the Ministère des Ressources naturelles
(R.S.Q., c. M-25.2)

Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region

WHEREAS the Government and the regional county municipalities (RCMs) of the Centre-du-Québec administrative region have, within the framework of the government policy on regional development, agreed to increase the contribution of public intramunicipal lands to the revitalization, consolidation and economic development of the region and the local populations;

WHEREAS one of the main measures proposed consists in delegating the management of intramunicipal public lands and certain forest resources thereon to the RCMs in the Centre-du-Québec region;

WHEREAS sections 17.13 to 17.16 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2) authorize the Minister, with the approval of the Government, to prepare programs for the development of lands in the domain of the State under the Minister’s authority as well as the forest resources in the domain of the State, so as to encourage regional development;

WHEREAS the third paragraph of section 17.14 of that Act authorizes the Minister, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, entrust the management of any land in the domain of the State that is under the Minister’s authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person, or entrust the management of the management permits for the harvest of firewood for domestic or commercial purposes, in a management unit, to a municipality; such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS that paragraph provides that the program shall identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), amended by chapter 68 of the Statutes of 2002, or among those of Divisions I and II of Chapter II of Title I of the Forest Act (R.S.Q., c. F-4.1), amended by chapter 6 of the Statutes of 2001 and chapters 25 and 68 of the Statutes of 2002, as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that chapter or of Division II of Chapter IV of Title I or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act respecting the Ministère des Ressources naturelles, where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the domain of the State or in sections 171, 171.1, amended by section 19 of chapter 25 of the Statutes of 2002, and 172 of the Forest Act, those that may be exercised by the municipality by means of regulations;

WHEREAS articles 14.12 and 14.12.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) authorize every municipality that participates in a program prepared by the Minister of Natural Resources to assume the responsibilities under the program as concerns not only public intramunicipal lands but also certain forest resources in the domain of the State;

WHEREAS it is expedient to approve the program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources and that the planning segment of the program be managed by the Minister in cooperation with the other government departments and bodies concerned;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources:

THAT the program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region, annexed to this Order in Council, be approved; and

THAT the administration of the program be entrusted to the Minister of Natural Resources, on the understanding that the planning segment be managed by the Minister in cooperation with the other government departments and bodies concerned.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region

An Act respecting the Ministère des Ressources naturelles
(R.S.Q., c. M-25.2, ss. 17.13 to 17.16)

1. OBJECT OF THE PROGRAM

To encourage regional development through development of public intramunicipal lands in the Centre-du-Québec administrative region by entrusting the management of the lands and certain forest resources thereon to the regional county municipalities (RCMs) in that administrative region.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates a different meaning,

2.1 “territorial management agreement” means an instrument of delegation having multi-sector scope whereby the Government entrusts, subject to certain conditions, management powers and responsibilities to an RCM;

2.2 “Minister” means the Minister of Natural Resources;

2.3 “Program” means this Program, established under Division II.2 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2).

3. ELIGIBILITY CONDITIONS

To be eligible under the Program, an RCM in the Centre-du-Québec administrative region must

3.1 have obtained a resolution from the Conseil régional de concertation et de développement du Centre-du-Québec recognizing that the delegation of certain management powers and responsibilities over certain portions of public intramunicipal land within the limits of the RCM is, in the collective interest, a new management approach conducive to increasing the contribution of the land concerned to regional and local development, and that the delegation proposal is consistent with the regional strategic plan of the Conseil régional de concertation et de développement du Centre-du-Québec;

3.2 have passed a resolution stating that it accepts all the terms, undertakings, obligations, conditions and modalities set out in the Program;

3.3 have created, by by-law, a development fund under articles 688.7 to 688.9 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

3.4 have created, by resolution, a multi-resource committee to advise the RCM and that is representative of all interests associated with the preservation of natural habitats and the development and use of the land under the delegation. The votes on the committee must be apportioned in a balanced manner so as to avoid special interests or groups controlling the committee’s decisions.

4. APPLICATION

4.1 The public intramunicipal lands over which the powers and responsibilities delegated under the Program may be exercised are all the lots, parts of lots and every other part of the domain of the State, including buildings, improvements and movables situated thereon as well as certain forest resources thereon, situated in the Centre-du-Québec administrative region and located within the limits of the municipalized territory of the region that are under the authority of the Minister.

4.2 The following are expressly excluded from that application:

(1) waters corresponding to the bed of lakes and watercourses up to the normal high-water mark, including hydraulic forces;

(2) lands in the domain of the State that have been submerged as a result of the construction and maintenance of a dam or any works related to the dam and necessary for its operation;

(3) any right-of-way of a road or highway under the management of the Minister of Transport, including but not limited to its infrastructures and all works necessary or incidental to their layout and management;

(4) any other land identified by the Minister;

(5) lands situated within common areas under timber supply and forest management agreements or forest management agreements on the signing of the territorial management agreement, including lands located in such areas in respect of which a sugar bush permit, summer resort leases or any other right could be issued;

(6) lands on which exclusive public utility proposals have been planned for the short term by the Government of Québec; and

(7) lands on which the Minister or the Government of Québec has granted rights in favour of the Government of Canada or any of its departments or bodies.

The habitats of threatened or vulnerable species of flora that have been designated or are to be designated, under the authority of the Minister of the Environment, and that are situated on the lots delegated to the RCMs in the Centre-du-Québec region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs.

The exceptional forest ecosystems that have been classified or are to be classified, under the authority of the Minister of Natural Resources, and that are situated on the lots delegated to the RCMs in the Centre-du-Québec region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs.

4.3 Where land under the responsibility of an RCM is required for purposes of public utility or public interest or for any other purpose pursuant to an Order in Council, or where land has been mistakenly identified as forming part of public intramunicipal lands, the Minister may, subject to the sending of a notice, withdraw the land from the application of the Program.

Such a withdrawal by the Minister may give rise to payment of fair compensation for improvements made to the land by the RCM at its expense, without the assistance of the development fund or any other governmental financial assistance program since the date of the signing of the territorial management agreement, and for damage actually sustained, without other compensation or indemnity for loss of profit or anticipated revenue.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Minister may delegate to an RCM the powers and responsibilities relating to land planning and management and forest management referred to in sections 5.1, 5.2 and 5.3. The delegation is subject to the terms and conditions set out in sections 6.1, 6.2 and 7.

The powers and responsibilities so delegated to the RCM must be exercised over all the lands identified by the Minister in a list annexed to the territorial management agreement.

In addition to those lands, the Minister may, following transmission of a notice, subject any other public intramunicipal land under the Minister's authority to the delegation.

5.1 Planning

In matters of planning, the Minister shall delegate to the RCM the responsibility for preparing an integrated territorial development plan, having a minimum five-year perspective, for the public lands (public intramunicipal lands and their natural resources) to which the territorial management agreement signed by the RCM applies. The plan must be prepared by the RCM within the time fixed by the Minister and take into account the concerns of the population and users of the land and its resources. The RCM must forward its plan to the Minister for an opinion before any consultation is held. The RCM must review the integrated territorial development plan, modify it when appropriate, ensure it is adhered to and integrate it into the RCM's development plan.

The Minister may intervene to facilitate a consensus solution and to enable the plan to be adopted should the RCM not succeed in reaching a consensus on the development of the plan. Where necessary, the Minister may impose an arbitration mechanism.

5.1.1 The integrated territorial development plan must

(1) identify land uses, without modifying land uses allocated to priority interest lands identified by the Government in the public land use plan (PATP);

(2) contain harmonization modalities and framework land use integration rules;

(3) take into account the government land development policies and the special concerns of the government transmitted during preparation of the plan; and

(4) take into account the regional strategic plan of the Conseil régional de concertation et de développement du Centre-du-Québec.

5.2 Land management

For the purposes of the Program, the Minister shall entrust public intramunicipal land management to an RCM exercising the powers and responsibilities under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), amended by chapter 68 of the Statutes of 2002, and its regulations. Accordingly, the RCM is to

(1) manage land rights already issued other than water resource leases. For that purpose, the RCM must manage and respect rights granted until they expire, renew rights and revoke them if the holder does not comply with the obligations;

(2) grant and manage new land rights other than water resource leases, renew and monitor the rights, modify them with the consent of the parties involved and revoke them if the holder fails to comply with the obligations;

(3) manage buildings, improvements and movables situated on the lands under the delegation and, as required, dispose of them in accordance with the applicable regulatory provisions;

(4) sell lands, grant rights by emphyteutic contract and transfer land by gratuitous title for public utility in accordance with the applicable regulatory provisions. The RCM must first obtain the Minister's consent before granting those rights;

(5) grant servitudes and any other right;

(6) grant temporary occupation licences and visitor's licences;

(7) collect and withhold all revenues, including fees relating to the management of the lands under the delegation;

(8) renounce, for a cadastral renovation, the Minister's right of ownership in favour of the occupant of the land, in accordance with section 40.1 of the Act respecting the lands in the domain of the State and in accordance with the criteria established in that respect by the Minister;

(9) correct any deed of alienation granted by the RCM and waive or amend, in accordance with sections 35.1 and 40 of the Act respecting the lands in the domain of the State, any restrictive clauses in a deed of alienation granted by the RCM or amend the purposes stipulated in the deed;

(10) acquire by mutual consent (gift, purchase, exchange), for the benefit of the domain of the State, lands, buildings, improvements and movables in private ownership. The RCM must first obtain the Minister's consent before making such a transaction;

(11) publish a declaration stating that land forms part of the domain of the State, in accordance with section 19 of the Act respecting the lands in the domain of the State;

(12) authorize the construction of roads other than forest and mining roads, in accordance with section 55 of the Act respecting the lands in the domain of the State;

(13) control the use and occupation of the territory

— by dealing with unlawful occupations and uses, including but not limited to illicit dumps and illegal barriers, under the Act respecting the lands in the domain of the State, in accordance with formal rules and terms that respect the principle retained by the Government to the effect that no privilege may be granted to a person unlawfully occupying or using land in the domain of the State; and

— by dealing with precarious occupation pursuant to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State made under the Act respecting the lands in the domain of the State by Order in Council 233-89 dated 22 February 1989, amended by Order in Council 90-2003 dated 29 January 2003;

(14) institute on its own behalf any penal proceeding for an offence committed on the land under the management delegation and provided for in a provision of the Act respecting the lands in the domain of the State and its regulations or in any by-law adopted by the RCM pursuant to section 6;

(15) exercise any recourse and any power assigned to the Minister by sections 60 to 66 of the Act respecting the lands in the domain of the State; and

(16) have the boundary between the domain of the State and the private domain determined and sign the related documents as the owner in the case of cadastral

operations, boundary marking or a motion for judicial recognition of the right of ownership in lands in the domain of the State under the management delegation. Any land survey must be carried out by the RCM in accordance with the Minister's instructions issued pursuant to section 17 of the Act respecting the lands in the domain of the State.

5.3 Forest management

For the purposes of the Program, the Minister shall entrust forest management on public intramunicipal lands to an RCM which must exercise the powers and responsibilities defined in Divisions I, II, III and IV of Chapter II and Division II of Chapter IV of Title I and Title VI of the Forest Act (R.S.Q., c. F-4.1), amended by chapter 6 of the Statutes of 2001 and chapters 25 and 68 of the Statutes of 2002, in relation to the forests in the domain of the State and applicable forest reserves, described as follows, to the extent provided for by law:

(1) the granting of forest management permits in the following classes:

— for the harvest of firewood for domestic or commercial purposes;

— for sugar bush management for acericultural purposes;

— for a wildlife, recreational or agricultural development project;

— for the supply of wood processing plants, to a holder of a forest management contract entitled thereto under Division II of Chapter IV of Title I of the Forest Act;

(2) the management of forest reserves, respecting the annual allowable cut, and the marketing of timber harvested on the territory under the contract;

(3) the making of forest management contracts. The RCM must require holders of forest management contracts to prepare forest management plans in the form and having the content, with the necessary modifications, set out in sections 52, 53 and 59.1 of the Forest Act;

(4) the overseeing of the preparation of the general forest management plans required of a holder of a forest management contract, and in particular

— the determination of the annual allowable cut on the territory of any forest management contract granted by the delegatee and the areas intended for forest production according to the method and basis of calculation described in the forest management manual published by the Minister; and

— the assigning of forest protection and forest development objectives to the territory under any forest management contract, after consultation of the departments concerned and the regional authorities.

The annual allowable cut, forest yields and protection and development objectives are assigned to the territory under a forest management contract to be included in the general plan relating thereto and taken into account in preparing forest management strategies;

(5) the approval of the general forest management plans and annual management plans prepared by the holders of forest management contracts;

(6) the granting of management permits for the construction or improvement of forest roads and the issuance of authorizations regarding the width of the right-of-way and the destination of the timber harvested in connection with the construction or improvement of roads other than forest roads;

(7) the possibility of restricting or prohibiting access to forest roads for reasons of public interest, particularly in the case of fire, during the thaw period, or for safety reasons;

(8) the application of standards of forest management, in accordance with the Regulation respecting management standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 and amended in the English text by Order in Council 1406-98 dated 28 October 1998, or its prescribing of standards different from those prescribed by government regulation, or that depart from such standards, in accordance with sections 25.2 to 25.3.1 of the Forest Act;

(9) the collection of fees payable by holders of authorizations, permits or rights issued by the RCMs;

(10) the overseeing and monitoring of forest management, in accordance with the Forest Act and its regulations. The RCM must inform the Minister of any offence it is aware of against the Forest Act and its regulations and forward in that regard a substantiated file to the Minister containing technical exhibits and documentation describing the offence (maps, area measurements and tree counts);

(11) the overseeing of the scaling of timber harvested, in accordance with the regulatory standards determined by the Government. The RCM must also use the computer scaling procedure to transmit the data to the Ministère des Ressources naturelles;

(12) the verification of data and information in the annual reports filed by the holders of forest management contracts, in accordance with sections 70.1 to 70.4 of the Forest Act; and

(13) the holding of the public consultations required pursuant to the consultation policy prepared in accordance with section 211 of the Forest Act, applicable to the territory under the territorial management agreement or the territory of forest management contracts, that deal with matters falling within the scope of the delegated responsibilities.

The Minister shall continue to assume the powers and responsibilities that have not been delegated under the agreement.

In the exercise of its powers and responsibilities, the RCM undertakes to

(1) adopt no provision that would add restrictions facilitating the use of the resource at the local level to the detriment of proposals showing greater potential for employment and future development;

(2) adhere to the forest protection organizations recognized by the Minister and assume their protection costs. The RCM's contributions to the organizations are applicable to the territory for which the RCM has made a forest management contract. In making such a contract, the RCM must require the holder to adhere to the forest protection organizations and to pay the holder's share of the protection costs;

(3) prepare, for approval by the Minister and for any territory or part thereof managed by the RCM, a forest management plan that includes calculation of forest production and a program of forest management activities;

(4) consult the Société de la faune et des parcs du Québec, the Ministère de l'Environnement and the Ministère des Ressources naturelles on forest protection and forest development objectives assignable to the lands under the territorial management agreement and on the forest management plans prepared by the holders of forest management contracts, according to the terms and conditions agreed on by the parties; and

(5) where the RCM makes a forest management contract with a holder, direct that the holder's contribution be paid directly into the forestry fund on the basis of the volume authorized under the annual management permit. The RCM undertakes in such a case to forward the forest management contracts once signed and any later amendments to the Ministère des Ressources naturelles for registration. The RCM also undertakes to communicate to the department the volume authorized under the management permit of each forest management contract holder on 1 April, 1 July, 1 October and 1 January.

The RCM agrees to the Minister clarifying, where needed, the scope of the powers and responsibilities relating to forest management.

6. REGULATORY POWERS

For the purposes of the Program, the Minister shall determine that an RCM may exercise, through by-laws adopted under paragraph 5 of article 14.12 of the Municipal Code of Québec and subject to the conditions set out in section 6.1, the powers provided for in subparagraphs 3 and 7 to 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the domain of the State and, subject to the conditions set out in section 6.2, the powers provided for in sections 171, 171.1, amended by section 19 of chapter 25 of the Statutes of 2002, and 172 of the Forest Act.

6.1 Conditions for the exercise of regulatory powers in respect of land

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister for approval, so that the Minister may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. More particularly, the RCM must adhere to the following principles:

(1) ensure that public intramunicipal lands remain accessible to the population, in particular by allowing unrestricted access;

(2) ensure public access to the waters in the domain of the State is maintained;

(3) set fee rates on the basis of market value; and

(4) grant no privilege to a person illegally occupying or using land in the domain of the State otherwise than to regularize precarious occupation meeting the criteria for title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State.

In addition, any regulation regarding administration fees may concern only the cases already provided for in the regulation made under the Act respecting the lands in the domain of the State.

6.2 Conditions of exercise of the regulatory powers in respect of forests

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister for approval, so that the Minister may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. More particularly, the RCM's regulation must pursue the objectives pursued by government regulation and contain standards that are equivalent or more stringent.

7. GENERAL TERMS AND CONDITIONS IN RESPECT OF LAND

7.1 An RCM entrusted by the Minister under this Program with the management of public intramunicipal lands must, for each of the following elements, comply with the terms and conditions attached:

Access to the domain of the State: the RCM must maintain access to the domain of the State and public access to the waters in the domain of the State;

Alienation of land: the consent of the Minister for the alienation of land may be transmitted within the framework of the integrated development plan described in section 5.1, or by a specific notice in the case of proposals not provided for in that plan;

Land survey: any land survey on public lands or affecting boundaries on public lands, including boundary marking, in particular such marking required for an alienation, must be carried out in accordance with section 17 of the Act respecting the lands in the domain of the State and with the Minister's instructions;

Native peoples: respect government aims and policies concerning Native affairs and consult the Minister when dealing with a Native file;

Multi-resource committee: the RCM must ensure the representation required under section 3.4 is maintained on the committee. The RCM must request the committee give written opinions on the following matters: the integrated territorial development plan the RCM is responsible for preparing, the use of development funds and, when necessary, the taking into consideration of the integrated territorial development plan in relation to any other development plan;

Land management costs and fees: all the costs and fees related to land management are borne by the RCM, the acquirer, the applicant or the holder of the right, as the case may be. Costs or fees payable for land survey on lands in the domain of the State, for cadastral immatriculation and boundary marking and for the publication of rights for any transaction effected by the RCM are included in land management costs and fees;

Land rights granted by the State: respect, until their expiry, rights granted by the State as provided in the title issued, renew the rights unless the holders of the right are in default and ensure that, in the exercise of the powers and responsibilities delegated under the Program, the exercise of a right granted or to be granted by the State is in no way restricted;

Land rights related to vacation sites: respect the development objectives for vacation sites set out in the "Guide de développement de la villégiature sur les terres du domaine public" prepared in April 1994 or in any replacement document;

State and content of public intramunicipal lands: in the exercise of delegated powers and responsibilities, the RCM accepts lands as they are described, designated or surveyed at the time the territorial management agreement is signed; no guarantee is given by the Minister as to their state and content;

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must ensure that rights to be granted and lands to be alienated in the territory concerned will be granted and alienated in a manner that is fair for all persons concerned and consistent with the specific principles and objectives defined in the territorial management agreement.

7.2 The RCM undertakes to furnish the following reports:

(1) an annual report on activities, to be submitted on 31 March on the form furnished by the Minister;

(2) an annual financial report, to be submitted on 31 March on the form furnished by the Minister; and

(3) a five-year assessment report on results obtained, in particular as regards impacts, to be submitted to the Minister six (6) months before each five-year term expires. The assessment is to be based on anticipated results which are to be identified jointly with the department. The RCM and the department shall agree in the first year of application of the territorial management agreement on the manner in which the five-year assessment report is to be produced. The RCM must inform the population of the main points in the report, in the manner the RCM considers appropriate.

7.3 The administration and management of the public intramunicipal lands and certain forest resources under delegation are the responsibility of the RCM, without financial compensation from the Government.

7.4 The RCM shall collect and withhold the revenues from the management of the public intramunicipal lands and certain forest resources under delegation, including administration costs, beginning on the date on which the territorial management agreement is signed. However, any sum collected by or owing to the Government on the day on which the territorial management agreement is signed, and shall pay the revenues into the development fund provided for in that agreement. However, any collected by or owing to the Government on the day on which the territorial management agreement is signed shall remain the property of the Government, without adjustment.

7.5 The Minister shall register alienations of land and grants of rights in land made by the RCM in the Terrier or in any other register the Minister designates, and shall issue written attestations of the information contained therein; the RCM shall collect all payable fees and costs, including accrued interest, and remit the whole to the Minister in accordance with the terms and procedure defined in the territorial management agreement. Where the Minister has implemented a formal mechanism enabling the RCM to register land rights directly in the official register, the Minister shall contact the RCM to adjust the terms and procedure to that effect in the territorial management agreement.

7.6 The Minister shall register the forest management contracts made by the RCM in the forest registry.

7.7 An RCM exercising powers and responsibilities under this Program acts on its own behalf.

Subject to the special provisions contained in section 6, the RCM must respect the Act respecting the lands in the domain of the State and the Forest Act, as well as their regulations.

8. FINAL

8.1 The territorial management agreement on planning and land and forest management has a five-year renewable term.

The Minister re-assumes sole responsibility for the management of the public intramunicipal lands and their forest resources the Minister has delegated, upon the expiry of the land and forest management delegation.

In addition, the Minister may terminate the delegation if the RCM fails to comply with the conditions and provisions governing the exercise of the delegation.

8.2 Upon the Minister re-assuming responsibility for the management of the public intramunicipal lands and their forest resources that were under delegation, the RCM must send to the Minister such information as the Minister may require including land and forest resource management books and records maintained by the RCM. The RCM must also hand over to the Minister all records previously entrusted to it by the Minister.

8.3 Any contestation from a holder of a right granted by the RCM that is attributable to differences in the management practices of the RCM and those of the Minister shall be brought to the attention of the Minister.

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Gouvernement du Québec

O.C. 361-2003, 5 March 2003

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

Signing of certain documents

Signing of certain documents of the Ministère de l'Emploi et de la Solidarité sociale

WHEREAS, under the second paragraph of section 52 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), a deed, document or writing may bind the Minister or be attributed to him only if it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position, and, in the latter two cases, only to the extent determined by the Government;

WHEREAS, under the third paragraph of section 52 of that Act, a member of the personnel of an organization is, to the extent that he is under the administration of a program that the Minister has delegated by agreement to that organization, considered to be a member of the personnel of the department for the purposes of the second paragraph of that section;

WHEREAS it is expedient to replace the Terms and conditions for the signing of certain documents of the Ministère de la Solidarité sociale, made by Order in Council 985-2000 dated 16 August 2000 and amended by Order in Council 1234-2000 dated 18 October 2000;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Social Solidarity and Child and Family Welfare and Minister of Social Solidarity, of the Minister of State for Education and Employment and Minister responsible for Employment and of the Minister for Employment:

THAT the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité sociale, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 985-2000 dated 16 August 2000;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DOCUMENTS OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE

1. Subject to other conditions of validity that may be prescribed by law, any document signed in accordance with the authorizations given in this Regulation by the personnel of the Ministère de l'Emploi et de la Solidarité sociale and who hold the positions listed hereafter, or, as the case may be, by persons authorized to exercise the functions of such positions on an interim basis, binds the Minister of Social Solidarity or the Minister responsible for Employment, as the case may be, in the same way as if the document had been signed by the Minister.

2. The Associate Deputy Minister responsible for Emploi-Québec and an assistant deputy minister are authorized to sign, for the administrative units under their responsibility:

- (1) supply contracts;
- (2) contracts for services, except contracts pertaining to manpower development activities;
- (3) contracts to lease rooms for administrative purposes;

(4) contracts to lease space entered into with the Société immobilière du Québec; and

(5) agreements entered into pursuant to the Solidarité jeunesse project the standards for which have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first paragraph, the Assistant Deputy Minister of Income Security is authorized to sign, for the administrative units under that Assistant Deputy Minister's responsibility, the partnership agreements entered into within the framework of the Ententes spécifiques de régionalisation et ententes de partenariat, the standards for which have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first paragraph, the Associate Deputy Minister responsible for Emploi-Québec is authorized to sign, for the administrative units under that Associate Deputy Minister's responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(3) agreements pertaining to the granting of subsidies to Carrefour Jeunesse Emploi the terms of allocation or the eligibility criteria for which have been approved by the Government or the Conseil du trésor;

(4) agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan of the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister; and

(5) agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first paragraph, the Assistant Deputy Minister for operations for Emploi-Québec is authorized to sign, for the administrative units under that Assistant Deputy Minister's responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500,000;

(3) agreements pertaining to the granting of subsidies to Carrefour Jeunesse Emploi the terms of allocation or the eligibility criteria for which have been approved by the Government or the Conseil du trésor; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

3. An assistant director general is authorized to sign, for the administrative units under the assistant director general's responsibility:

(1) supply contracts;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and manpower development activities;

(3) contracts to lease rooms for administrative purposes;

(4) contracts to lease space entered into with the Société immobilière du Québec; and

(5) agreements entered into pursuant to the Solidarité jeunesse project the standards for which have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first paragraph, the Assistant Director General for regional operations for Income Security and the Assistant Director General for Greater Montréal operations for Income Security are authorized to sign, for the administrative units under their responsibility, the partnership agreements entered into within the framework of the Ententes spécifiques de régionalisation et ententes de partenariat, the standards for which have been approved by the Government or the Conseil du trésor, up to \$100,000.

In addition to the powers referred to in the first paragraph, an assistant director general for Emploi-Québec is authorized to sign, for the administrative units under that assistant director general's responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500,000; and

(3) agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first and third paragraphs, the Assistant Director General for operations for Emploi-Québec is authorized to sign, for the administrative units under that assistant director general's responsibility, contracts for advertising services up to \$100,000.

4. The department's secretary, for the administrative unit and for the Deputy Minister's office, a branch director, an assistant branch director, the director of the Bureau des renseignements et plaintes, the director of the Service de révision and the director of the Centre de recouvrement are authorized to sign, for the administrative units under their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$25,000, other than contracts described in subparagraph 1;

(3) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities; and

(4) contracts to lease rooms for administrative purposes.

In addition to the powers referred to in the first paragraph, the Director of the Direction du Fonds national de formation de la main-d'œuvre is authorized to sign agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan of the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$100,000.

5. A service head and an assistant service head are authorized to sign, for the administrative units under their responsibility :

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds ;

(2) supply contracts up to \$10,000, other than contracts described in subparagraph 1 ;

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities ; and

(4) contracts to lease rooms for administrative purposes.

In addition to the powers referred to in the first paragraph, the head of the Service d'évaluation médicale et socioprofessionnelle is authorized to sign contracts for services up to \$100,000 for the purpose of hiring physicians.

6. A regional director and an assistant regional director are authorized to sign, for the administrative units under their responsibility :

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds ;

(2) supply contracts up to \$25,000, other than contracts described in subparagraph 1 ;

(3) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities ;

(4) contracts to lease rooms for administrative purposes ; and

(5) contracts to lease space entered into with the Société immobilière du Québec.

In addition to the powers referred to in the first paragraph, a regional director and an assistant regional director for Emploi-Québec are authorized to sign, for the administrative units under their responsibility :

(1) contracts for services up to \$350,000 pertaining to manpower development activities ;

(2) contracts for services up to \$10,000 pertaining to advertising ; and

(3) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$350,000.

In addition to the powers referred to in the first and second paragraphs, a regional director for Emploi-Québec is authorized to sign, for the administrative units under that regional director's responsibility, agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

In addition to the powers referred to in the first and second paragraphs, an assistant to the regional director for Emploi-Québec is authorized to sign, for the administrative units under that regional director's responsibility, agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$150,000.

In addition to the powers referred to in the first, second and third paragraphs, a regional director is authorized to sign, for the administrative units under that regional director's responsibility, agreements entered into pursuant to the Solidarité jeunesse project the standards for which have been approved by the Government or the Conseil du trésor, up to \$750,000.

In addition to the powers referred to in the first and fourth paragraphs, the Regional Director for Income Security is authorized to sign, for the administrative units under that regional director's responsibility, the partnership agreements entered into within the framework of the Ententes spécifiques de régionalisation et ententes de partenariat, the standards for which have been approved by the Government or the Conseil du trésor, up to \$25,000.

7. A director of support operations for Emploi-Québec is authorized to sign, for the administrative units under that director's responsibility, the contracts and agreements referred to in subparagraphs 1 to 5 of the first paragraph, in subparagraphs 1 to 3 of the second paragraph and in the fourth paragraph of section 6.

8. A director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre are authorized to sign, for the administrative unit under their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$10,000, other than contracts described in subparagraph 1;

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities;

(4) contracts to lease rooms for administrative purposes; and

(5) contracts to lease space entered into with the Société immobilière du Québec.

In addition to the powers referred to in the first paragraph, a director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre for the Module Emploi-Québec are authorized to sign, for the administrative unit under their responsibility:

(1) contracts for services up to \$150,000 pertaining to manpower development activities;

(2) contracts for services up to \$5,000 pertaining to advertising;

(3) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$150,000; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$150,000.

In addition to the powers referred to in the first and second paragraphs, a director of a local employment centre is authorized to sign, for the administrative units under that director's responsibility, agreements entered into pursuant to the Solidarité jeunesse project the standards for which have been approved by the Government or the Conseil du trésor, up to \$300,000.

9. A manpower and employment development counsellor is authorized to sign, for the counsellor's administrative unit:

(1) contracts for services up to \$5,000 pertaining to manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$75,000.

10. An employment agent is authorized to sign, for the employment agent's administrative unit:

(1) contracts for services up to \$1,000 for manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$50,000.

11. A procurement officer is authorized to sign, for the units to which that officer provides administrative support:

(1) supply contracts up to \$1,000; and

(2) contracts for services up to \$1,000, except contracts pertaining to advertising and manpower development activities.

A procurement officer of the Service de la gestion de l'approvisionnement et des contrats and of the Direction des ressources matérielles is authorized to sign, for the units to which that officer provides administrative support, the contracts referred to in the first paragraph, up to \$5,000.

12. An administrative officer, for the units to which that officer provides administrative support, and a person in charge of a division, for that person's division, are authorized to sign:

(1) supply contracts up to \$3,000; and

(2) contracts for services up to \$3,000, except contracts pertaining to advertising and manpower development activities.

13. The director of human resources is authorized to sign, for all the activities of the department pertaining to human resources development:

(1) supply contracts;

(2) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities; and

(3) contracts to lease rooms for administrative purposes.

14. The head of the Service de la formation, du développement et de la santé organisationnelle of the Direction des ressources humaines is authorized to sign, for all the department activities pertaining to human resources development:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$10,000, other than those described in paragraph 1;

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities; and

(4) contracts to lease rooms for administrative purposes.

15. The director of communications is authorized to sign, for the department, contracts for advertising services, up to \$25,000.

16. The director of public affairs and communications for Emploi-Québec is authorized to sign, for the central administrative units of Emploi-Québec, contracts for advertising services, up to \$25,000.

17. The person in charge of communications for Emploi-Québec is authorized to sign, for the administrative unit under that person's responsibility, contracts for services pertaining to advertising, up to \$1,000.

18. The Assistant Deputy Minister of management services is authorized to sign, for the department:

(1) supply contracts;

(2) contracts for services;

(3) contracts to lease rooms for administrative purposes;

(4) contracts to lease space entered into with the Société immobilière du Québec;

(5) agreements pertaining to the granting of subsidies the principles and guidelines for which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(6) agreements pertaining to the granting of subsidies to Carrefour Jeunesse Emploi the terms of allocation or the eligibility criteria for which have been approved by the Government or the Conseil du trésor;

(7) agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan of the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister;

(8) agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor; and

(9) agreements entered into pursuant to the Solidarité jeunesse project the standards for which have been approved by the Government or the Conseil du trésor.

19. The director of material resources is authorized to sign, for the department:

(1) supply contracts ;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and manpower development activities ;

(3) contracts to lease rooms for administrative purposes ; and

(4) contracts to lease space entered into with the Société immobilière du Québec.

20. The Assistant Director General of information technologies is authorized to sign, for the department, contracts for services pertaining to the field of information technologies up to \$500,000, except contracts pertaining to advertising and manpower development activities.

21. The person responsible for the Service de la gestion de l'approvisionnement et des contrats of the Direction des ressources matérielles is authorized to sign, for the department :

(1) supply contracts ; and

(2) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities.

22. The head of the Service de la gestion des espaces of the Direction des ressources matérielles is authorized to sign, for the department :

(1) contracts for services up to \$100,000 pertaining to the physical reorganization of departmental administrative units ;

(2) contracts to lease rooms for administrative purposes ; and

(3) contracts to lease space entered into with the Société immobilière du Québec.

23. The Director of the fund to combat poverty through reintegration into the labour market and the Assistant Deputy Minister for planning and services to citizens are authorized to sign, for the department, agreements pertaining to the granting of subsidies or other financial contributions paid within the scope of the fund

to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

24. The Assistant Deputy Minister for planification and services to citizens is authorized to sign, for the department, agreements pertaining to the granting of subsidies within the scope of the program entitled "Fonds ministériel d'aide à l'innovation et à l'expérimentation", the terms of allocation or eligibility criteria for which have been approved by the Government or the Conseil du trésor.

25. The Assistant Deputy Minister of management services, the head of the Division des services régionalisés of the Service de la sécurité du revenu of Ville de Montréal, the director of the Centre de recouvrement, the head of the Service des mesures légales et soutien opérationnel, the head of the collection service and the assistant head of the recovery service of the Centre de recouvrement are authorized to sign any document required to set up a hypothec or to otherwise secure a claim by the department and any related document.

26. The executive officers referred to in this Order in Council are authorized to certify as true the documents and copies of documents issued by the department or forming part to its archives that they are authorized to sign under the provisions applying to them or under the powers inherent in their functions. They may also certify as true any document or copies of documents, including the transcription of a decision, certificate or any other data stored by the department on a computer or on any other data storage medium, with respect to the records pertaining to their sector of activity or administrative unit.

27. The Assistant Deputy Minister of management services, the secretary of the department, the director of internal audit and administrative inquiries and the director of the Centre de recouvrement are authorized to certify as true, for the department, any document or copies of documents issued by the department or belonging to its archives, including a transcription of a decision, certificate or any other data stored by the department on a computer or on any other data storage medium.

5667

M.O., 2003-003**Order of the Minister responsible for Wildlife and Parks dated 5 March 2003**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources in the sector of the Lake à l'Argent, located on the territory of the MRC de Manicouagan

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister responsible for Wildlife and Parks may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Minister of Natural Resources has been consulted on the issue;

ORDERS THAT:

The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 5 March 2003

RICHARD LEGENDRE,
*Minister responsible
for Wildlife and Parks*

M.O., 2003-004**Order of the Minister responsible for Wildlife and Parks dated 5 March 2003**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources in the sector of the Lake Hébert, located on the territory of Jamésie, in the Baie James municipality

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister responsible for Wildlife and Parks may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Minister of Natural Resources has been consulted on the issue;

ORDERS THAT:

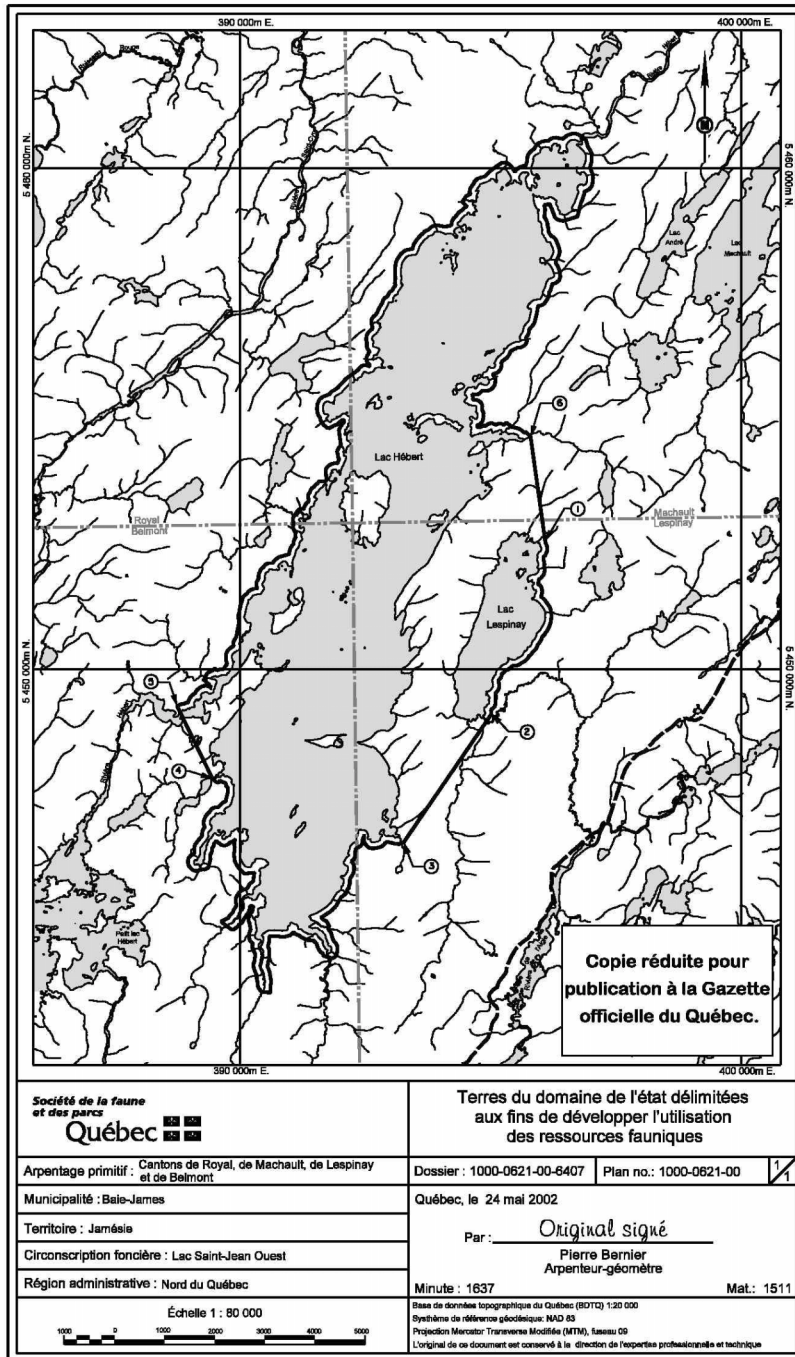
The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 5 March 2003

RICHARD LEGENDRE,
*Minister responsible
for Wildlife and Parks*

APPENDIX



M.O., 2003-005**Order of the Minister responsible for Wildlife and Parks dated 10 March 2003**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources in the sector of the Lake Saint-Cyr, located on the territory of the MRC de la Vallée-de-l'Or

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister responsible for Wildlife and Parks may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Minister of Natural Resources has been consulted on the issue;

ORDERS THAT:

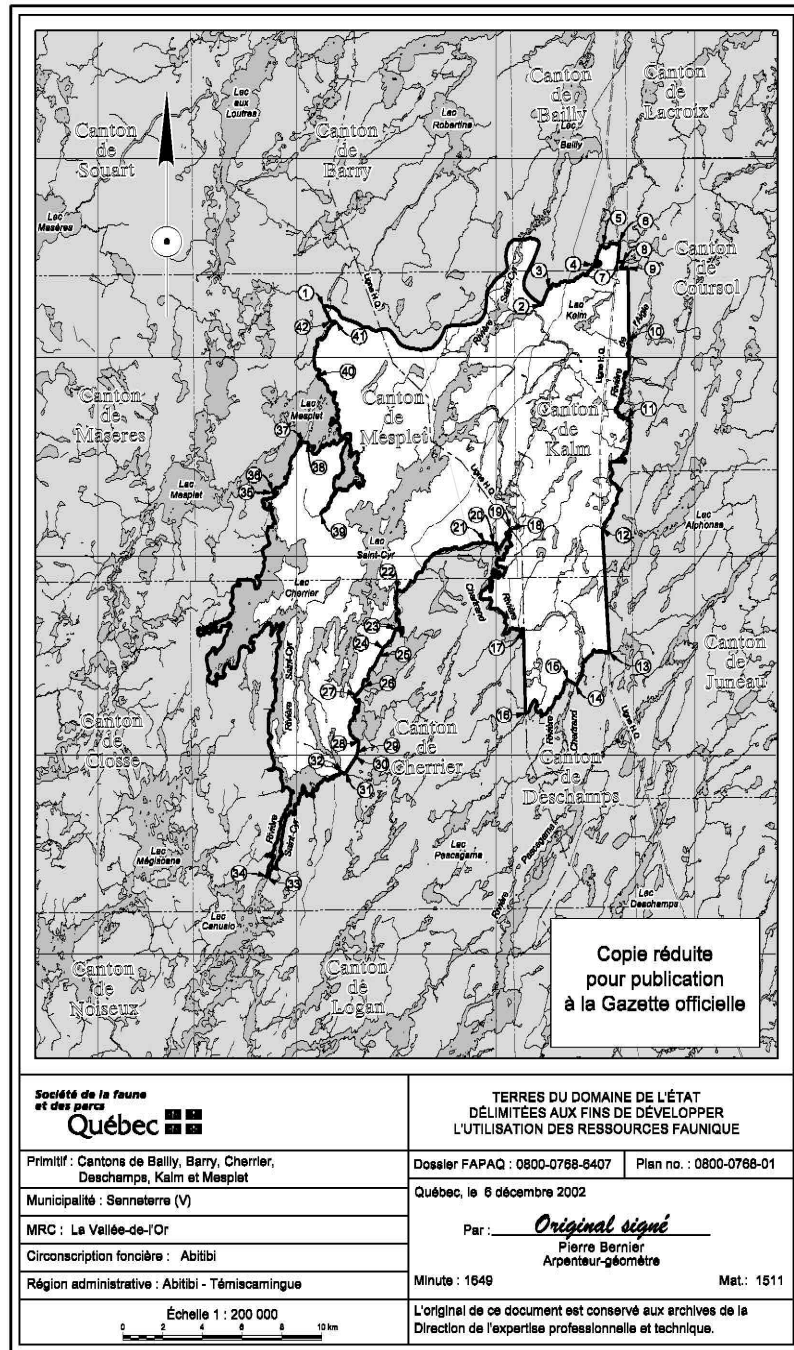
The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 10 March 2003

RICHARD LEGENDRE,
*Minister responsible
for Wildlife and Parks*

APPENDIX



M.O., 2003**Order of the Minister of Transport dated 12 March 2003 respecting the thaw periods for 2003**

Highway Safety Code
(R.S.Q., c. C-24.2)

WHEREAS under section 419 of the Highway Safety Code (R.S.Q., c. C-24.2) the Minister of Transport may, by order published in the *Gazette officielle du Québec* determine zones where highway traffic is restricted or forbidden for vehicles as designated by him because of thaw, rain, erosion or flood, and the periods when such measures are applicable;

WHEREAS the Vehicle Load and Size Limits Regulation made under paragraphs 17 and 18 of section 621 of the Highway Safety Code determines, for various categories of road vehicles and combinations of road vehicles, the weight limits applicable during the thaw;

WHEREAS, in the order of March 5, 2002 published in the *Gazette officielle du Québec* on March 8, 2002, the Minister of Transport determined the annual thaw periods for the year 2002;

WHEREAS it is expedient to maintain the thaw zones determined in this order and to specify hour of the beginning and the end of the thaw periods for the year 2003;

ACCORDINGLY, the Minister of Transport determines three thaw zones where traffic of road vehicles and combinations of road vehicles is restricted because of the annual thaw:

Zone 1 comprises the Quebec territory to the south of the following dividing line:

At the Ontario border, starting from a point located at the intersection of rivière des Outaouais and rivière Schyan in the municipality of Sheen-Esher-Aberdeen-et-Malakoff, along a line linking this point to a point located at the intersection of the rivière Picanoc and Highway 105 in the municipality of Wright-Gracefield-Northfield; thence, along the extension of the said line towards the east to the junction of Autoroute 15 and Highway 329, to the north of the municipality of Sainte-Agathe-des-Monts; thence, in a generally northeastern direction to a point located at the intersection of Highways 155 and 159 in the municipality of Saint-Roch-de-Mékinac and then along the southern boundary of the réserve faunique de Portneuf, the northern boundary of the municipality of the parish of Saint-Raymond and the southern boundary of the réserve faunique des Laurentides to the intersection of Highway 175; thence, in a generally southeastern direction, along a line extending to the eastern boundary of the municipality of Beaupré at the

intersection of Highway 138 and continuing on the eastern extremity of Île d'Orléans; thence, following the median line of the fleuve Saint-Laurent, continuing along until the western extremity of Île aux Lièvres; thence, in a generally southeastern direction, along a line extending to and crossing Autoroute 20 at the eastern boundary of the municipality of Rivière-du-Loup, following along the boundary of this municipality to a point located on the eastern side of the right-of-way of Highway 185; thence, extending along the eastern side of the right-of-way of Highway 185 to the New Brunswick border.

Zone 2 comprises the Quebec territory to the north of the dividing line of zone 1, the Îles-de-la-Madeleine and the territory to the south of the following dividing line:

Starting from a point located at the intersection of 48° North latitude and the Ontario border, along a line linking the southern boundary of the city of Rouyn-Noranda to the intersection of Highway 101, the Rapide-Sept hydroelectric dam, the northern boundary of the réserve faunique La Vérendrye to the intersection of Highway 117 and the southern boundary of the réserve faunique Ashuapmushuan to the intersection of Highway 167; thence, the said line extending along the northern boundary of the municipalities of Saint-Thomas-Didyme, Girardville and Notre-Dame-de-Lorette to the Manic Trois dam; continuing along the northern boundary of the réserve faunique de Port-Cartier-Sept-Îles to the junction of the 52° North latitude and the Labrador border.

Zone 3 comprises the Quebec territory to the north of the dividing line of zone 2.

The Minister of Transport determines, for 2003, the following thaw periods:

1° for zone 1, from March 21, 00:01, to May 10, 00:01;

2° for zone 2, from March 24, 00:01, to May 17, 00:01;

3° for zone 3, from March 31, 00:01, to May 24, 00:01.

The present order will be effective from the date of its publication in the *Gazette officielle du Québec*. It replaces the order of March 5, 2002 published in the *Gazette officielle du Québec*. It may be supplemented, during these years, by other orders as necessary to adjust to an unforeseeable early or late beginning or an unforeseeable early or late ending of the thaw period.

SERGE MÉNARD,
Minister of Transport

Draft Regulations

Draft Regulation

Transport Act
(R.S.Q., c. T-12)

Bus transport — 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 Bus Transport Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation eliminates the condition regarding the maximum distance in kilometres that a school carrier may travel on a chartered trip without being required to hold a chartered transport permit. It also amends the conditions applicable to shuttle transport to facilitate the transportation of groups to destinations outside of Québec, such as New York City and Boston. In addition, it prescribes the classification of permits for transport by bus needed in the new territories created as a result of municipal mergers. Lastly, it contains consequential amendments made necessary by the application of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3).

The proposed regulatory amendments will increase the market share of a good number of small and medium-sized businesses, without causing a significant impact on other transportation businesses.

Further information may be obtained by contacting Claude Martin, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 25^e étage, Québec (Québec) G1R 5H1, tel.: (418) 643-1543, fax: (418) 646-4904.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

SERGE MÉNARD,
Minister of Transport

Regulation to amend the Bus Transport Regulation*

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *c* and *d*, and ss. 5.1
and 34, 2nd par.)

- 1.** Section 5 of the Bus Transport Regulation is amended by deleting subparagraph 3.
- 2.** Section 10 is revoked.
- 3.** Section 11 is amended by replacing “an artificial person” by “any person”.
- 4.** Section 33 is amended by adding “or to provide, in performing a contract with a holder of a travel agent’s licence in effect, regular service for the transport of persons to or from a place situated outside Québec” at the end after the word “permit”.
- 5.** Section 43 is revoked.
- 6.** The following is inserted after section 60:

“**60.1.** The Commission shall, before 30 June 2004, carry out a new codification of the rights granted by the permits covered by this Regulation which contain the name of a municipality whose territory is now part of one of the following cities or towns: Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de Gatineau, Ville de Lévis, Ville de Sherbrooke, Ville de Trois-Rivières, Ville de Saguenay, Ville de Rimouski or Ville de Shawinigan.

However, in carrying out such a codification or in issuing such a permit, the Commission may not add, abolish or restrict the rights of a holder, except as regards the territory covered by the permit.”

* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the regulation made by Order in Council 671-2001 dated 30 May 2001 (2001, *G.O.* 2, 2652). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

7. Section 61 is revoked.

8. Schedule 1 is revoked.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 5, 7 and 8, which will come into force on 1 July 2004.

5659

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Energy produced by cogeneration

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 energy produced by cogeneration, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation determines, for the purpose of fixing the cost of electric power and for the purposes of the supply plan and the tender solicitation by the electric power distributor, the energy block produced by cogeneration from a total installed capacity of 800 megawatts before 2013, the first block of 200 megawatts being produced as soon as possible, but no later than 2007.

Cogeneration is the simultaneous production from fuels of electricity and steam for industrial or heating purposes.

The desired efficiency rate for each facility must be equal to or greater than 75%, which is the ratio of the sum of the energy content of the steam and electricity produced to the energy content of the fuels used.

The draft Regulation will have no direct impact on the public. The interested enterprises in the field of cogeneration may respond to the tender solicitation by the electric power distributor.

Further information on the draft Regulation may be obtained by contacting René Paquette, Director, Direction du développement électrique, ministère des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau A 416 Charlesbourg (Québec) G1H 6R1. Telephone: (418) 627-6386; Fax: (418) 643-8337; E-mail: rene.paquette@mrn.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Mario Bouchard, Associate Deputy Minister, Énergie et Changements climatiques, Ministère des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau B 401, Charlesbourg (Québec) G1H 6R1.

RITA DIONNE-MARSOLAIS, FRANÇOIS GENDRON,
Minister for Energy *Minister of Natural Resources*

Regulation respecting energy produced by cogeneration

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2.1)

1. For the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) or for the purposes of the supply plan provided for in section 72 of that Act, and for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act, the energy block produced by cogeneration in Québec shall be produced from a total installed capacity of 800 megawatts before 2013, the first block of 200 megawatts being produced as soon as possible, but no later than 2007.

Cogeneration is the simultaneous production from fuels of electricity and steam for industrial or heating purposes.

The desired efficiency rate for each facility must be equal to or greater than 75%, which is the ratio of the sum of the energy content of the steam and electricity produced to the energy content of the fuels used.

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

5660

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards — 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 labour standards, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to harmonize the provisions of the Regulation respecting labour standards with those of the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80), assented to on 19 December 2002, as regards farm workers, domestics who reside with their employer, statutory holidays and maternity leave.

The purpose of the draft Regulation is also to amend the definition of employee who receives gratuities and, as regards collective dismissal, to transfer to the Regulation respecting labour standards certain provisions of the Regulation respecting the notice of collective dismissal, which it proposes to revoke, and to specify the amount of the employer's contribution to the operating costs of the reclassification assistance committee for the employees affected by the dismissal.

Further information on the draft Regulation may be obtained by contacting Luc Desmarais, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1 telephone: (418) 646-2547; fax: (418) 643-3514.

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

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

SYLVAIN SIMARD,
*Minister of State
for Education and
Employment and Minister
responsible for Employment*

AGNÈS MALTAIS,
Minister for Employment

Regulation to amend the Regulation respecting labour standards* and to revoke the Regulation respecting the notice of collective dismissal**

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 88, 89 and 91; 2002, c. 80, ss. 49, 56, 57 and 86)

1. Section 1 of the Regulation respecting labour standards is amended

(1) by striking out the definition of “medical certificate”;

(2) by striking out the definition of “maternity leave”;

(3) by substituting the following for the definition of “employee who generally receives gratuities”:

“employee who receives gratuities or tips”: an employee who generally receives gratuities or tips and who serves clients as a waiter in a restaurant or in a place where alcoholic beverages are sold for consumption on the premises, but in a place other than

(1) a place where mainly lodging or food are provided by the week, month or year in return for payment;

(2) an outfitting operation within the meaning of the Act respecting the conservation and development of wild-life (R.S.Q., c. C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1);

(3) a tourist accommodation establishment belonging to one of the classes referred to in paragraphs 2 to 9 of section 7 of the Regulation respecting tourist accommodation establishments, made by Order in Council 1111-2001 dated 19 September 2001;

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 959-2002 dated 21 August 2002 (2002, G.O. 2, 4509). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

** The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) has not been amended since it was revised.

(4) a facility maintained by an institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(5) a place where the activity consisting in the providing of food and beverages is carried on by a non-profit organization;

(6) a cafeteria; or

(7) a place where the main activity consists in the providing of food services to customers who order and choose the items at a service counter and who pay before eating.”.

2. Section 2 is amended by deleting paragraphs 5 and 6.

3. Section 3 is amended by substituting “section 4” for “sections 4 and 5”.

4. Section 4 is amended by substituting “who receives gratuities or tips” for “who usually receives gratuities”.

5. Sections 5 and 8, and Division V, comprising section 14, and Division VI comprising sections 15 to 35 are revoked.

6. The Regulation is amended by inserting the following Division after section 35:

“DIVISION VI.0.1
NOTICE OF COLLECTIVE DISMISSAL

35.0.1. The notice of collective dismissal that must be given by the employer to the Minister in accordance with section 84.0.4 of the Act respecting labour standards must be sent by mail to the Ministère de l’Emploi et de la Solidarité sociale, Direction générale des opérations d’Emploi-Québec.

The notice of collective dismissal has effect from the date on which it is mailed.

35.0.2. The notice of collective dismissal must contain

(1) the name and address of the employer or establishment concerned;

(2) the sector of activity;

(3) the names and addresses of the associations of employees, where applicable;

(4) the reason for the collective dismissal;

(5) the date anticipated for the collective dismissal; and

(6) the number of employees likely to be affected by the collective dismissal.”

35.0.3. For the purposes of section 84.0.11 of the Act respecting labour standards, failing an agreement with the Minister, the employer must pay, for the operating costs of the reclassification assistance committee and for the reclassification activities, an amount fixed at \$600 per employee affected by the dismissal.”.

7. The Regulation respecting the notice of collective dismissal (R.S.Q., 1981, c. F-5, r.1) is revoked.

8. This Regulation comes into force on 15 June 2003.

5670

Draft Regulation

Court Bailiffs Act
(R.S.Q., c. H-4.1)

Bailiffs

— **Tariff of fees and transportation expenses**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of fees and transportation expenses of bailiffs, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Further information may be obtained by contacting Anne Richard, Direction générale des services de justice, 1200, route de l’Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1; tel. (418) 644-7704, fax: (418) 644-9968, E-mail: arichard@justice.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 of Justice, 1200, route de l’Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

NORMAND JUTRAS,
Minister of Justice

Regulation to amend the Tariff of fees and transportation expenses of bailiffs*

Court Bailiffs Act
(R.S.Q., c. H-4.1, s. 13)

1. Section 20 of Schedule 1 to the Tariff of fees and transportation expenses of bailiffs is amended in paragraph *b* by substituting “72¢” for “58¢” in Class 1 and Class 2.

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 Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r.3) was last amended by the Regulation made by Order in Council 46-2000 dated 19 January 2000 (2000, *G.O.* 2, 660). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Erratum

M.O., 2003-001

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 15 January 2003

Gazette officielle du Québec, Part 2, 31 January 2003, Vol. 135, No. 5A, page 373A.

On page 537A, the medications and related information appearing under the generic name “NEFADOZONE HYDROCHLORYDE” should have read as follows in respect of the 50 mg tablets :

CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG SIZE	UNIT PRICE
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**28:16.04
ANTIDEPRESSANTS**

NEFAZODONE HYDROCHLORIDE ☐

Tab.

50 mg

	02242822	<i>Apo-Nefazodone</i>	Apotex	100	51.33	0.5133
+	02245202	<i>Gen-Nefazodone</i>	Genpharm	100	51.33	0.5133
*	02237397	<i>Lin-Nefazodone</i>	Linson	60	30.80	0.5133
+	02245434	<i>Novo-Nefazodone-5HT2</i>	Novopharm	100	51.33	0.5133
	02245101	<i>pms-Nefazodone</i>	Phmscience	100	51.33	0.5133
*	02087294	<i>Serzone-5HT2</i>	B.-M.S.	60	44.00	0.7333

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

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Signing of certain documents	1286	N
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