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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 398-2003, 21 March 2003

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(R.S.Q., c. M-14)

An Act respecting agricultural lands in the domain of the State
(R.S.Q., c. T-7.1)

Ministère de l'Agriculture, des Pêcheries et de l'Alimentation — Signing of certain documents

Regulation respecting the signing of certain documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation

WHEREAS, under section 12 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14), the Government may, by regulation published in the *Gazette officielle du Québec*, determine the extent to which a deed, document or writing signed by an officer is binding upon the department and attributable to the Minister of Agriculture, Fisheries and Food;

WHEREAS, under paragraph 5 of section 47 of the Act respecting agricultural lands in the domain of the State (R.S.Q., c. T-7.1), the Government may, by regulation, authorize a civil servant to sign letters patent or any other document related to the lands under the jurisdiction of the Minister or for the administration of the Act;

WHEREAS the Regulation respecting the signing of certain documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation was made by Order in Council 1540-95 dated 29 November 1995;

WHEREAS it is expedient to replace this Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation respecting the signing of certain documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(R.S.Q., c. M-14, s. 12)

An Act respecting agricultural lands in the domain of the State
(R.S.Q., c. T-7.1, s. 47, par. 5)

DIVISION I GENERAL PROVISIONS

1. Members of the personnel of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation who hold the positions mentioned in this Regulation are authorized to sign alone, with the same authority and effect as the Minister of Agriculture, Fisheries and Food, the deeds, documents and writings listed after their respective positions.

The same applies when those deeds, documents and writing are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a replacement.

DIVISION II LAND MANAGEMENT

2. The assistant deputy minister or director general in charge of the "Gestion des terres" activity at the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation or the director of the Direction de l'analyse et de la coordination is authorized to sign alone

(1) letters patent and cancellations thereof and corrections thereto;

(2) corrections of deeds of concession and cancellations of deeds of concession or leases;

(3) deeds evidencing the alienation or lease of property or land under the Minister's authority or the granting of a servitude or of any other right;

(4) deeds relating to the acquisition by mutual agreement, leasing, exchange, expropriation or alienation of any property or immovable real right;

(5) documents and notices related to lands under the Minister's authority that are to be made subject to or exempt from any Act under the Minister's administration;

(6) documents and orders evidencing the transfer or assignment of authority over any land pursuant to section 7 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

(7) documents evidencing the transfer to another department of the administration of land under the Minister's authority;

(8) survey and cadastral authorizations and documents, as well as requisitions, acceptances and minutes of boundary determination in respect of lands under the Minister's authority or administration;

(9) statements or certificates issued pursuant to Division IV of Chapter III of the Act respecting agricultural lands in the domain of the State (R.S.Q., c. T-7.1);

(10) declarations stating that land under the Minister's authority forms part of the domain of the State under section 19 of the Act respecting the lands in the domain of the State;

(11) authorizations or permits to cut timber issued pursuant to section 6 of the Act respecting agricultural lands in the domain of the State and any procedure referred to in section 15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; and

(12) any other notice, declaration, deed or document in respect of lands placed under the Minister's authority or administration.

DIVISION III CONTRACTS

3. Assistant deputy ministers or directors general are authorized to sign, for their sector of activities,

(1) supply contracts;

(2) services contracts;

(3) construction contracts;

(4) concession contracts;

(5) sponsorship contracts;

(6) promises of subsidies, loans or loan guarantees the granting standards and eligibility criteria of which have been approved by the Government, the Conseil du trésor or the Minister;

(7) subsidy contracts, loans or loan guarantees;

(8) alienation contracts, leasing contracts or loan contracts for movable or immovable property or rights relating to such property;

(9) acceptances of assignment of claims or hypothec on claims;

(10) contracts relating to servitudes;

(11) releases and discharges other than those referred to in article 3068 of the Civil Code and assignment of hypothecary ranking.

4. The director general of management services, the director or the assistant director of financial and material resources is authorized to sign, up to \$50,000 in the case of the director of financial and material resources, any document dealing with a request or undertaking of the Minister in respect of the Société immobilière du Québec.

5. Branch directors are authorized to sign, for their sector of activities,

(1) supply contracts;

(2) services contracts;

(3) construction contracts;

(4) promises of and contracts for subsidies, loans and loan guarantees the granting standards and eligibility criteria of which have been approved by the Government, the Conseil du trésor or the Minister;

(5) alienation contracts for movable property, leasing contracts or loan contracts for movable or immovable property;

(6) acceptances of assignment of claims or hypothec on claims; and

(7) releases and discharges other than those referred to in article 3068 of the Civil Code and assignment of hypothecary ranking;

6. Assistant directors or service heads are authorized to sign, for their sector of activities,

(1) supply contracts;

(2) services contracts;

(3) construction contracts; and

(4) promises of and contracts for subsidies, loans and loan guarantees the granting standards and eligibility criteria of which have been approved by the Government, the Conseil du trésor or the Minister.

7. The persons in charge of administration in each branch, service or division are authorized to sign, for their sector of activities, supply contracts for up to \$10,000.

8. Construction project managers are authorized to sign, for their sector of activities, any change to a construction contract, up to 10% of its value, without however, exceeding \$25,000.

9. Regional directors of the Direction générale des pêches et de l'aquaculture commerciales are authorized to sign, for their sectors of activities, any document relating to loans or loan guarantees granted within the scope of the Act respecting the financing of commercial fishing (R.S.Q., c. F-1.3).

DIVISION IV REIMBURSEMENT OF PROPERTY TAXES AND COMPENSATIONS AND REVOCATION OF REGISTRATION OF AGRICULTURAL OPERATIONS

10. The assistant deputy minister or director general in charge of the sector or the director of the Direction à l'information de gestion et aux taxes is authorized to sign, for all the activities of the department, the deeds referred to in section 36.13 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14).

11. The regional director or the assistant regional director is authorized to sign, for his or her region, any notice of refusal or notice of revocation of registration of an agricultural operation referred to in Division VII.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

12. The assistant deputy minister or the director general in charge of the sector or the director of the Direction à l'information de gestion et aux taxes is authorized to sign complaints filed pursuant to section 126 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) and any document relating to the contestation and reimbursement of property taxes and compensations.

DIVISION V AUTHENTICITY OF DOCUMENTS

13. Holders of the following positions are authorized to certify as true any copy of or extract from documents or registers of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation:

(1) the secretary of the department, for all of the department; and

(2) the assistant deputy ministers, directors general, branch directors, service heads and assistant branch directors, for documents under their authority.

DIVISION VI SEIZURE OF SALARIES

14. The director of the Direction des ressources humaines or the remuneration coordinator is authorized to sign alone for the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation the report to the court provided for in section 44 of the Public Officers Act (R.S.Q., c. E-6), stating the amount of the salary payable to a public officer or employee, at the time of the service of the writ of attachment, and the amount of the salary to become payable every month, if the public officer or employee continues his or her service under the same conditions.

15. This Regulation replaces the Regulation respecting the signing of certain documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, made by Order in Council 1540-95 dated 29 November 1995.

16. This Regulation comes into force on 1 April 2003.

Gouvernement du Québec

O.C. 438-2003, 21 March 2003

Forest Act
(R.S.Q., c. F-4.1)

Forestry fund
— Contribution of holders of certain contracts
and agreements
— Amendment

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund

WHEREAS, under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), every timber supply and forest management agreement holder must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, such contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in the agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under subparagraph 18.2 of the first paragraph of section 172 of the Act, the Government may, by regulation, fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

WHEREAS, under section 176 of chapter 6 of the Statutes of 2001, the provisions of sections 73.4 to 73.6 of the Forest Act concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after 26 June 2001;

WHEREAS, under section 95.2.1 of the Forest Act and the second paragraph of section 184 of chapter 6 of the Statutes of 2001, sections 73.4 and 73.5 of the Forest Act apply to a holder of a wood processing plant

operating permit who has entered into an auxiliary timber supply guarantee agreement after 26 June 2001 as if the holder were the holder of a timber supply and forest management agreement;

WHEREAS, under sections 95.2.1 and 104.5 of the Forest Act, the contribution paid to the Minister by the holder of an auxiliary timber supply guarantee agreement shall be established on the basis of the auxiliary volume specified in the agreement and whereas the rate on which the Minister establishes the contribution to the forestry fund of a forest management agreement holder is applicable to the volume authorized under the holder's management permit;

WHEREAS, by Order in Council 328-2002 dated 20 March 2002, the Government made the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund;

WHEREAS it is expedient to amend that Regulation in order to fix, for the 2003-2004 fiscal year, the rate per cubic meter of timber on which the contribution to the forestry fund is based;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 12 February 2003 with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS the 20-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund *

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172,
1st. par., subpar. 18.2)

1. The following is substituted for section 2 of the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund :

“2. The rate per cubic metre of timber on which the holder’s contribution is based shall be \$0.57 for the 2003-2004 fiscal year, that is, \$0.1425 quarterly.”

2. This Regulation comes into force on 1 April 2003.

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Gouvernement du Québec

O.C. 439-2003, 21 March 2003

Forest Act
(R.S.Q., c. F-4.1)

Forest management — Standards for forests in the domain of the State — Amendments

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State

WHEREAS, under the first paragraph of section 171 of the Forest Act (R.S.Q., c. F-4.1), the Government, by regulation, may prescribe standards of forest management on the matters mentioned therein ;

WHEREAS the Regulation respecting standards of forest management for forests in the domain of the State was made by Order in Council 496-96 dated 24 April 1996 ;

WHEREAS it is expedient to amend the Regulation to progressively implement block cutting and ensure protection for tall forest regeneration ;

WHEREAS, in accordance with sections 10 to 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS it is expedient to make the Regulation with amendments ;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it ;

WHEREAS under that section, the reason justifying such coming into force must be published with the regulation ;

WHEREAS the Government is of the opinion that it is urgent for the Regulation to come into force on 1 April 2003 since the annual management permits will be issued on that date and it is essential that provisions for block cutting be in force at the same time as the new permits so as not to compromise the implementation of that type of cutting for the 2003-2004 year of operation ;

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

THAT the Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund was made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673).

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State *

Forest Act
(R.S.Q., c. F-4.1, s. 171, 1st par. subpars. 1, 2 and 7 to 9)

1. Section 1 of the Regulation respecting standards of forest management for forests in the domain of the State is amended

(1) by inserting the following after “grouped vacation site”,

““harvest site” means the territory delimited by the total of a permit holder’s block cutting harvest areas, the closest parts of which are less than 2 kilometres apart, and of the peripheral area of that total up to a distance of 2 kilometres; (*chantier de récolte*)”;

(2) by inserting the following after the expression “bed of a watercourse”:

““block cutting” means cutting with regeneration and soil protection carried out on a given territory so as to preserve, within the limits of the harvest site, a residual forest having the characteristics set out in section 79.2; (*coupe en mosaïque*)”;

(3) by inserting the following after the expression “forest and recreation zone”:

““forest cover density” means the relative ground cover by the ground projection of the top of trees 7 metres tall or more (*densité du couvert forestier*);” and

(4) by inserting the following after the expression “parcel”:

““priority production” means production intended for a forest area in which silvicultural treatments are to be carried out, including harvesting; (*production prioritaire*)”;

2. Section 4 is amended by substituting the following for the second sentence of the second paragraph: “Cutting with regeneration and soil protection, strip cutting with regeneration and soil protection and block cutting are, however, prohibited in the buffer strip.”.

3. Section 59 is amended

(1) by inserting the words “or block cutting” after the words “cutting with regeneration and soil protection”; and

(2) by adding the following at the end:

“Strip cutting with regeneration and soil protection is prohibited in a visual setting referred to in section 58.”.

4. The following is substituted for the second paragraph of section 60:

“The size, in such centres or network, of a management permit holder’s single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips in an area of strip cutting with regeneration and soil protection or of a block cutting harvest area may not exceed 10 hectares. In all cases, the holder of the management permit must preserve a buffer strip at least 30 metres wide on both sides of the hiking trails.”.

5. The following paragraph is added at the end of section 67:

“Nor does paragraph 2 of section 47 apply to the holder of a management permit who carries out block cutting on the territory.”.

6. Section 69 is amended

(1) by striking out the words “a maximum of” in the second paragraph; and

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

“The size of a single block in a management permit holder’s block cutting harvest area in an area frequented by caribou may not exceed 50 hectares.”.

7. Section 70 is amended by inserting the following after the first paragraph:

“Where the holder of a management permit carries out strip cutting with regeneration and soil protection, the total area of the cut and residual strips may not exceed 25 hectares forming a single block in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares forming a single block in softwood and softwood-dominant mixed stands.

* The Regulation respecting standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 (1996, *G.O.* 2, 2164) was amended by the regulations made by Order in Council 1406-98 dated 28 October 1998 (1998, *G.O.* 2, 4429) and 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641).

The size of a single block of a management permit holder's block cutting harvest area in a white-tailed deer yard may not exceed 25 hectares in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares in softwood and softwood-dominant mixed stands."

8. Section 71 is amended

(1) by inserting the words "or between 2 areas of strip cutting with regeneration and soil protection," after the words "clear cutting with regeneration and soil protection" in the first paragraph; and

(2) by deleting the second paragraph.

9. The following is inserted after section 79:

"79.1. The size of a single-block in a block cutting harvest area must, in each of the 3 forest zones described in Schedule 1, comply with the standards provided for in subparagraph 1, 2 or 3 of the first paragraph of section 74, as the case may be.

Block cutting harvest areas must vary in size and shape.

The distribution of the areas referred to in the first paragraph applies annually for all the harvest areas indicated in the approved annual management plan.

79.2. A residual forest of block cutting must

(1) have within the limits of the harvest site an area at least equal to the size of the block cutting harvest areas;

(2) be at least 200 metres wide;

(3) be constituted of forest stands that are more than 7 metres tall;

(4) be constituted of forest stands having a forest cover density higher than 40% or at least 25% without exceeding 40%, provided in that case that the proportion of the residual forest area having such a density is equal to or smaller than 20%, or if the proportion exceeds 20%, is equal to or smaller than the proportion of the forest stands having such a density in forests 7 metres tall or more in the harvest site before management;

(5) be constituted of forest stands that are able to produce, as commercial species, a volume of mature rough timber of at least 50 m³/ha or a lower volume, provided in that case that the stands have a composition and area equivalent to those harvested;

(6) be constituted of forest stands belonging in a proportion of at least 20% to the same type of forest cover as those harvested; and

(7) not have been commercially harvested during the last 10 preceding years except in the cases provided for in the second paragraph of section 79.7;

For the purposes of subparagraph 2 of the first paragraph, a road or river may run through the residual forest; the treeless width of such road may not exceed 35 metres and the width of the river at the boundaries of the riparian ecotone may not exceed an average of 35 metres. The width of such a road or watercourse may not be included in the area of the residual forest nor in the width referred to in subparagraphs 1 and 2 of the preceding paragraph.

Despite subparagraph 3 of the first paragraph, 4 to 7-metre tall stands may be scattered throughout the residual forest over less than 20% of the area, provided that the forest is constituted of at least 80% of forest stands more than 7 metres tall.

79.3. Each harvest site and the residual forest having the characteristics set out in section 79.2 must be indicated in the approved annual plan.

The residual forest indicated in the management plan for a given year may not be used as a residual forest for a subsequent year, for as long as the harvest cannot be carried out in accordance with the provisions of section 79.7.

79.4. Where the holder of a forest management permit plans and carries out block cutting, cutting with regeneration and soil protection or strip cutting with regeneration and soil protection, the holder must ensure that a forest area made up of trees, bush or shrub 3 metres tall or more on average, over at least 200 metres in width is located

(1) on the perimeter of a block cutting harvest area except for the part of the perimeter alongside the 20-metre forest strip to be left around a lake or alongside a watercourse more 35 metres wide;

(2) between a residual forest and a block cutting harvest area to be used as travel corridor for wildlife.

The width of the forest area referred to in the first paragraph may, for the purposes of the first paragraph, be only 100 metres if the harvest areas forming a single block are smaller than 25 hectares.

The forest area referred to in the preceding paragraphs shall be preserved until the regeneration of the block cutting harvest area, established in accordance with section 90, is 3 metres tall or more on average.

79.5. Where the holder of a management permit carries out block cutting on the periphery of a salt lick, the forest area referred to in section 79.4 must be in contact with part of the salt lick.

79.6. Deforestation for the purposes of the construction or improvement of a road through the residual forest referred to in section 79.2 or in the forest area referred to in section 79.4 may not exceed a width of 35 metres.

79.7 The holder of a management permit may not harvest a residual forest until the expiry of a 10-year period after the date on which block cutting was carried out or, if the regeneration established in accordance with section 90 has not yet reached after that period the average height of 3 metres, until that regeneration has reached such a height.

The provisions of the first paragraph do not apply to the holder of a forest management permit who carries out either of the following treatments in a residual forest :

(1) commercial thinning or selection cutting carried out so as to be recognized by the Minister as silvicultural treatments eligible as payment of dues under section 73.1 and 73.3 of the Forest Act ; or

(2) partial cutting in a mature tree stand or in a stand that will reach maturity in less than 15 years where not more than 35% of the marketable land area of the stand is harvested, provided that after harvesting, a marketable land area of at least 15 m²/ha of well-spaced trees composed of species and proportions similar to those of the initial stand, is maintained.

79.8. The areas of cutting with regeneration and soil protection, including the total area of the cut and residual strips by strip cutting with regeneration and soil protection and the block cutting harvest areas, must be, during the reference period indicated in the following table, planned and carried out according to the standards provided for in this Regulation that apply to block cutting in a proportion at least equal to the percentage indicated in the table :

Reference period	Percentage of block cutting
From 1 April 2003 to 31 March 2004	25%
From 1 April 2004 to 31 March 2005	40%
From 1 April 2005 to 31 March 2006 and then for each 12-month period beginning on 1 April of each year	60%

”.

10. Section 84 is amended by substituting the following for the first sentence of the second paragraph: “In the stand, the size of a management permit holder’s single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips in an area of strip cutting with regeneration and soil protection or of a block cutting harvest area may not exceed 30 hectares.”.

11. Section 88 is amended by substituting the words “, strip cutting with regeneration and soil protection or block cutting” for the words “or strip cutting with regeneration and soil protection” in the first paragraph.

12. Section 89 is amended by substituting the following for the second paragraph :

“Where the holder of a management permit carries out cutting with regeneration and soil protection, strip cutting with regeneration and soil protection or block cutting in a forest management sector, the area occupied by the felling and hauling trails shall be less than 25% of the area of the forest management sector.

Notwithstanding the second paragraph, the area occupied by the felling and hauling trails may be greater than 25% without exceeding 33% provided that the holder of the management permit protects, between the hauling trails, the pre-established regeneration with species sought as priority production, so that

(1) the distribution coefficient of unmerchantable trees that are 5 cm high and taller, after cutting, is greater than 80% of the distribution coefficient of unmerchantable trees before cutting ;

(2) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 2 cm, is greater than 55% of the distribution coefficient of those saplings before cutting ; and

(3) the distribution coefficient of saplings, after cutting, whose diameter at stump height is wider than 6 cm, is greater than 35% of the distribution coefficient of those saplings before cutting.

The diameter at stump height of the saplings is measured 15 cm above ground level.

For the purposes of the third and fourth paragraphs, the holder of the forest management permit must submit the sampling plan of each management sector to the Minister for approval. The holder must also submit every three months, or at the latest on the next 30 June depending on whether the snow depth prevents the taking of the regeneration inventory or not, the inventory results per management sector so as to express

(1) each of the distribution coefficients, before and after cutting, referred to in subparagraphs 1 to 3 of the third paragraph; and

(2) the occupation rate of the felling and hauling trails.”.

13. This Regulation comes into force on 1 April 2003.

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A.M., 2003-002

Order of the Minister of the Environment and the Minister responsible for Wildlife and Parks dated 13 March 2003

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

CONCERNING the establishment of the list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated

THE MINISTER OF THE ENVIRONMENT AND THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING section 1 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) which stipulates that this Act applies to threatened or vulnerable wildlife and plant species designated under this Act;

CONSIDERING the first paragraph of section 9 of the Act which stipulates that the Minister of the Environment and the minister designated by the Government may establish jointly, by order, a list of threatened or vulnerable species which are likely to be so designated;

CONSIDERING order-in-council n° 59-2000 of January 26, 2000 which stipulates that the Minister for Wildlife and Parks is responsible for the provisions of this Act concerning a wildlife species or its habitat;

WHEREAS the Minister of the Environment and the Minister for Recreation, Fish and Game established in 1993 a list of threatened or vulnerable vascular plant species which are likely to be so designated, which was replaced by A.M., 2000-015 (*G.O.* of May 31, 2000) and A.M., 2001 (*G.O.* of July 25, 2001), and a list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated, which were published in the *Gazette officielle du Québec* of June 23, 1993;

ORDER the following:

Is hereby established the list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated, appended hereto, replacing the list determined by ministerial order, 1993, published in the *Gazette officielle du Québec* of June 23, 1993.

Québec, 13 March 2003

ANDRÉ BOISCLAIR,
Minister of the Environment

RICHARD LEGENDRE,
*Minister responsible for
Wildlife and Parks*

SCHEDULE**“ANNEXE**

Liste des espèces de la faune vertébrée menacées ou vulnérables susceptibles d’être ainsi désignées

Le symbole P (population) suivi d’un chiffre correspondant au numéro de la région administrative du Québec (ministère de l’Énergie et des Ressources, 1990)¹ et inscrit après le nom d’une espèce, indique une espèce menacée ou vulnérable susceptible d’être ainsi désignée dans cette partie seulement de son aire de répartition québécoise :

P01 : Bas-Saint-Laurent ; P02 : Saguenay – Lac-Saint-Jean ; P03 : Québec ; P04 : Mauricie – Bois-Francs ; P05 : Estrie ; P06 : Montréal-Centre ; P07 : Outaouais ; P08 : Abitibi-Témiscamingue ; P09 : Côte-Nord ; P10 : Nord-du-Québec ; P11 : Gaspésie – Îles-de-la-Madeleine ; P12 : Chaudière-Appalaches ; P13 : Laval ; P14 : Lanaudière ; P15 : Laurentides ; P16 : Montérégie

Nom scientifique	Nom français	Nom anglais
CLASSE DES POISSONS		
<i>Petromyzontidae</i>		
<i>Ichthyomyzon fossor</i>	Lamproie du nord	Northern brook lamprey
<i>Acipenseridae</i>²		
<i>Acipenser fulvescens</i>	Esturgeon jaune	Lake sturgeon
<i>Acipenser oxyrinchus</i>	Esturgeon noir	Atlantic sturgeon
<i>Cyprinidae</i>		
<i>Hybognathus hankinsoni</i>	Méné laiton	Brassy minnow
<i>Notropis bifrenatus</i>	Méné d’herbe	Bridle shiner
<i>Catostomidae</i>		
<i>Moxostoma carinatum</i>	Chevalier de rivière	River redhorse
<i>Ictaluridae</i>		
<i>Noturus insignis</i>	Chat-fou liséré	Margined madtom
<i>Esocidae</i>		
<i>Esox americanus vermiculatus</i>	Brochet vermiculé	Grass pickerel
<i>Osmeridae</i>		
<i>Osmerus mordax</i> -P01, P12	Éperlan arc-en-ciel (sud de l’estuaire du St-Laurent)	Rainbow smelt (south of St.Lawrence estuary)
<i>Salmonidae</i>		
<i>Coregonus artedi</i> -P15	Cisco de lac (printemps)	Cisco or lake herring
<i>Salvelinus alpinus oquassa</i>	Ombre chevalier <i>oquassa</i>	Arctic char <i>oquassa</i>

¹ Ministère de l’Énergie et des Ressources, 1990. Les régions administratives, carte 1:8 000 000. Centre d’information géographique et foncière, ministère de l’Énergie et des Ressources, Québec.

² Nom de la famille.

Nom scientifique	Nom français	Nom anglais
Percidae		
<i>Ammocrypta pellucida</i>	Dard de sable	Eastern sand darter
<i>Etheostoma caeruleum</i>	Dard arc-en-ciel	Rainbow darter
<i>Percina copelandi</i>	Fouille-roche gris	Channel darter
CLASSE DES AMPHIBIENS		
Plethodontidae		
<i>Desmognathus fuscus fuscus</i>	Salamandre sombre du nord	Northern dusky salamander
<i>Desmognathus ochrophaeus</i>	Salamandre sombre des montagnes	Mountain dusky salamander
<i>Hemidactylum scutatum</i>	Salamandre à quatre doigts	Four-toed salamander
<i>Gyrinophilus porphyriticus</i>	Salamandre pourpre	Spring salamander
Ranidae		
<i>Rana palustris</i>	Grenouille des marais	Pickerel frog
CLASSE DES REPTILES		
Kinosternidae		
<i>Sternotherus odoratus</i>	Tortue musquée	Common musk turtle
Emyidae		
<i>Clemmys guttata</i>	Tortue ponctuée	Spotted turtle
<i>Clemmys insculpta</i>	Tortue des bois	Wood turtle
<i>Emydoidea blandingi</i>	Tortue mouchetée	Blanding's turtle
<i>Graptemys geographica</i>	Tortue géographique	Common map turtle
Dermochelyidae		
<i>Dermochelys coriacea</i>	Tortue luth	Leatherback turtle
Colubridae		
<i>Lampropeltis triangulum</i>	Couleuvre tachetée	Milk snake
<i>Nerodia sipedon</i>	Couleuvre d'eau	Northern water snake
<i>Storeria dekayi</i>	Couleuvre brune	Brown snake
CLASSE DES OISEAUX		
Ardeidae		
<i>Ixobrychus exilis</i>	Petit blongios	Least bittern
Anatidae		
<i>Bucephala islandica</i>	Garrot d'Islande	Barrow's goldeneye
<i>Histrionicus histrionicus</i>	Arlequin plongeur	Harlequin duck
Accipitridae		
<i>Aquila chrysaetos</i>	Aigle royal	Golden eagle
Rallidae		
<i>Coturnicops noveboracensis</i>	Râle jaune	Yellow rail

Nom scientifique	Nom français	Nom anglais
Laridae		
<i>Sterna caspia</i>	Sterne caspienne	Caspian tern
<i>Sterna dougallii</i>	Sterne de Dougall	Roseate tern
Strigidae		
<i>Asio flammeus</i>	Hibou des marais	Short-eared owl
Picidae		
<i>Melanerpes erythrocephalus</i>	Pic à tête rouge	Red-headed woodpecker
Troglodytidae		
<i>Cistothorus platensis</i>	Troglodyte à bec court	Sedge wren
Muscicapidae		
<i>Catharus bicknelli</i>	Grive de Bicknell	Bicknell's thrush
Emberizidae		
<i>Dendroica cerulea</i>	Paruline azurée	Cerulean warbler
<i>Vermivora chrysoptera</i>	Paruline à ailes dorées	Golden-winged warbler
<i>Ammodramus savannarum</i>	Bruant sauterelle	Grasshopper sparrow
<i>Ammodramus caudacutus</i>	Bruant de Nelson	Sharp-tailed sparrow
CLASSE DES MAMMIFÈRES		
Soricidae		
<i>Sorex fumeus</i>	Musaraigne fuligineuse	Smoky shrew
<i>Sorex gaspensis</i>	Musaraigne de Gaspé	Gaspé shrew
<i>Microsorex hoyi</i>	Musaraigne pygmée	Pigmy shrew
Vespertilionidae		
<i>Lasionycteris noctivagans</i>	Chauve-souris argentée	Silver-haired bat
<i>Pipistrellus subflavus</i>	Pipistrelle de l'est	Eastern pipistrelle
<i>Lasiurus borealis</i>	Chauve-souris rousse	Red bat
<i>Lasiurus cinereus</i>	Chauve-souris cendrée	Hoary bat
Sciuridae		
<i>Glaucomys volans</i>	Petit polatouche	Southern flying squirrel
Cricetidae		
<i>Synaptomys cooperi</i>	Campagnol lemming de Cooper	Southern bog lemming
<i>Microtus pinetorum</i>	Campagnol sylvestre	Woodland vole
<i>Microtus chrotorrhinus</i>	Campagnol des rochers	Rock vole
Monodontidae		
<i>Delphinapterus leucas-P10</i>	Béluga (Eastmain)	White whale
<i>Delphinapterus leucas-P10</i>	Béluga (Ungava)	White whale
Balaenopteridae		
<i>Balaenoptera physalus</i>	Rorqual commun	Fin whale
<i>Balaenoptera musculus</i>	Rorqual bleu	Blue whale
<i>Megaptera novaeangliae</i>	Rorqual à bosse	Humpback whale

Nom scientifique	Nom français	Nom anglais
<i>Balaenidae</i> <i>Eubalaena glacialis</i>	Baleine noire	Right whale
<i>Ursidae</i> <i>Ursus maritimus</i>	Ours blanc	Polar bear
<i>Mustelidae</i> <i>Mustela nivalis</i>	Belette pygmée	Least weasel
<i>Felidae</i> <i>Felis concolor</i> <i>Lynx canadensis</i> <i>Lynx rufus</i>	Cougar Lynx du Canada Lynx roux	Mountain lion Lynx Bobcat
<i>Phocidae</i> <i>Phoca vitulina mellonae</i> -P10	Phoque commun (lacs des Loups Marins)	Harbour seal
<i>Cervidae</i> <i>Rangifer tarandus</i> -P08	Caribou (Val-d'Or)	Caribou

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Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Scaling of timber harvested in forests in the domain of the State — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to improve the administration of the controls by the Minister of Natural Resources over the scaling of timber harvested in forests in the domain of the State by relaxing certain rules to the benefit of holders of management permits issued for the supply of a wood processing plant.

The draft Regulation does not have any impact on citizens, except those who harvest timber or whose source of supply is timber harvested in forests in the domain of the State. Those persons and the undertakings that hold a management permit will have to comply with the new standards regarding the scaling of timber harvested in forests in the domain of the State.

Further information on the draft Regulation may be obtained by contacting Michel Tremblay, Directeur de l'assistance technique, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, local 9.00, Québec (Québec) G1S 4X4, telephone: (418) 627-6380, fax: (418) 646-9267, E-mail: michel.tremblay@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 Michel Bordeleau, Associate Deputy Minister, Forêt Québec, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

FRANÇOIS GENDRON,
Minister of Natural Resources

Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State*

Forest Act
(R.S.Q., c. F-4.1, ss. 26 and 172, pars. 4 and 19)

1. Section 2 of the Regulation respecting the scaling of timber harvested in forests in the domain of the State is amended by adding “or to the third party entrusted with carrying out the work” after the word “State” at the end of the first and second paragraphs.

2. Section 6 is amended by inserting “or in any other place indicated by the Minister” after the word “scaled”.

3. Section 7 is amended by substituting the following for paragraph 3:

“(3) the registration numbers of the vehicle and trailers; and”.

4. Section 11 is amended by adding the words “by the Minister” after the word “indicated” in the first paragraph.

5. Section 13 is amended by striking out the second sentence in the first paragraph.

6. The following is substituted for section 16:

“**16.** Timber scaled on the cutting area must be left undisturbed at the place where it was scaled for at least two working days after the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container.

Timber scaled after transport must be left undisturbed at the place where it was scaled for at least one working day after the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container, except for timber last scaled according to each method or combination of methods used under section 3, which must be left undisturbed at the place where it was scaled for at least 10 working days or until more timber is scaled according to the same methods or combination of methods.

* The Regulation respecting the scaling of timber harvested in forests in the domain of the State was made by Order in Council 1266-99 dated 17 November 1999 (1999, G.O. 2, 4392) and has not been amended.

The first and second paragraphs also apply where a correction to the scaling modifies the duties to be paid. The prescribed time periods are calculated from the date of the transmission to the Minister of the new form indicating the correction.”.

7. Section 17 is amended

(1) by substituting the words “re-scaled or the scaling corrected or cancelled” for “re-scaled or the scaling corrected” in the first paragraph;

(2) by substituting the words “first or second paragraph” for “first paragraph” in the second paragraph.

8. Section 19 is amended by inserting the words “or the third party entrusted with carrying out the work” after “State” in the second paragraph.

9. Section 20 is amended by inserting the words “or the third party entrusted with carrying out the work” after “State”, by striking out the word “and” after “State” and by substituting “18” for “17”.

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

5681

Draft Regulation

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

Respiratory therapists — Code of ethics — 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 Code of ethics of respiratory therapists, adopted by the Bureau of the Ordre des inhalothérapeutes du Québec, may be submitted to the Government for approval, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of respiratory therapists to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person’s representative or to the persons who can come to that person’s aid.

According to the Order, the amendments will have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Andrée Lacourcière, assistant to the director general of the Ordre des inhalothérapeutes du Québec, 1610, rue Sainte-Catherine Ouest, bureau 409, Montréal (Québec) H3H 2S2, tel.: (514) 931-2900 or 1-800-561-0029; fax: (514) 931-3621.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that adopted the Regulation, as well as to interested persons, departments and bodies.

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

Regulation to amend the Code of ethics of respiratory therapists of Québec*

Professional code
(R.S.Q., c. C-26, s. 87; 2001, c. 78, s. 6)

1. Section 21 of the Code of ethics of respiratory therapists of Québec is amended by the addition of the following paragraph at the end:

* The Code of ethics of respiratory therapists of Québec was approved by Order in Council No. 451-99 dated April 21, 1999 (1999, *G.O.* 2, 1105). This regulation has been amended by Order in Council No. 1297-2001 (2001, *G.O.* 2, 5879).

“A respiratory therapist who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates information protected by professional secrecy in order to prevent an act of violence shall:

- (1) communicate the information without delay;
- (2) file the following items in the record of the client in question:
 - (a) the reasons for the decision to communicate the information;
 - (b) the precise elements of the information communicated;
 - (c) the method of communication used;
 - (d) the name and the coordinates of the person to whom the information was communicated;
 - (e) the reason behind the choice of the method of communication used and the reason behind the choice of the person to whom the information was communicated;
 - (f) the place, the date, and the time of this communication;
 - (g) the identity and the coordinates of any person, if any, that he has consulted prior to this communication.”.

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

Decisions

Decision, 12 March 2003

Election Act
(R.S.Q., c. E-3.3)

Chief electoral officer

— Officers assigned to the list of electors

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning officers assigned to the list of electors

WHEREAS Order in Council number 370-2003, issued on March 12, 2003, enjoined the chief electoral officer to hold general elections in Québec on April 14, 2003;

WHEREAS section 310.1 of the Election Act (R.S.Q., c. E-3.3) provides that the returning officer shall appoint two persons in every polling station to act as officers assigned to the list of electors, recommended by the candidates of the authorized parties whose candidates came first and second at the last election;

WHEREAS section 489.1 allows the chief electoral officer, where circumstances so require, in particular by reason of the area or distance involved, to adapt the provisions concerning the revision process, the filing of nomination papers, the advance poll or the establishment of an identity verification panel, with the consent of the authorized parties represented in the National Assembly;

WHEREAS the distance, isolation and small number of electors in the remote polling subdivisions contemplated by section 489.1 require the introduction of special procedures concerning officers assigned to the list of electors;

WHEREAS section 489.1, as currently worded, does not allow for the adaptation of the provisions of the Act concerning officers assigned to the list of electors;

WHEREAS the chief electoral officer intends to issue a directive providing for special conditions in remote electoral subdivisions, in particular regarding officers assigned to the list of electors;

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 489.1 of the said Act in order to add a provision concerning officers assigned to the list of electors.

For the purposes of this decision, section 489.1 of the Election Act shall read as follows:

“**489.1.** The chief electoral officer, with the consent of the authorized parties represented in the National Assembly, may, where circumstances so require, in particular, by reason of the area or distance involved, adapt the provisions concerning the enumeration of electors, the revision process, the filing of nomination papers, the advance poll, the establishment of an identity verification panel and the officers assigned to the list of electors.”.

This decision shall take effect on the date of the order enjoining the chief electoral officer to hold general elections in Québec.

Québec, 12 March 2003

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission de
la représentation électorale*

5685

Decision, 12 March 2003

Election Act
(R.S.Q., c. E-3.3)

Chief electoral officer

— Identification of detainees

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the identification of detainees

WHEREAS Order in Council number 370-2003, issued on March 12, 2003, enjoined the chief electoral officer to hold general elections in Québec on April 14, 2003 ;

WHEREAS section 337 of the Election Act (R.S.Q., c. E-3.3) provides that electors must, at the time of voting, establish their identity by producing their health-insurance card, driver's licence or probationary licence, Canadian passport or any other document that has been issued by the Government or a government department or body and is determined by regulation of the Government ;

WHEREAS section 337 provides that an elector who has not been able to establish his identity as stipulated in the preceding paragraph shall be directed to the identity verification panel ;

WHEREAS section 335.2 provides that an elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote, declare under oath that he is the elector registered on the list of electors and :

— be accompanied by a person who identifies himself in accordance with the first paragraph of section 337, attests under oath to the identity of the elector and signs a sworn statement provided for that purpose, indicating his name, address and date of birth ; the person in question may identify no more than one elector, other than his spouse or relative, during an election ;

or

— produce two documents providing evidence of his name, including one that bears his photograph ;

or

— produce two documents providing evidence of his name, which together provide evidence of his address and date of birth ;

WHEREAS section 335.4 provides that the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity ;

WHEREAS these provisions are to be applied to a general election for the first time since they came into force ;

WHEREAS detainees held in custodial facilities are subject to the same requirements as other citizens, in terms of establishing their identity in order to vote ;

WHEREAS many detainees held in such facilities will be unable to produce one of the documents stipulated in the Act as proof of their identity, due to the security rules enforced by the custodial facilities ;

WHEREAS the verification process stipulated in sections 335.2 and 335.4 of the Election Act cannot be applied in accordance with law ;

WHEREAS the inability to apply the provisions of the Election Act concerning identification may compromise the exercise of voting rights for detainees held in custodial facilities ;

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation ;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question ;

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 337, 335.2 and 335.4 of the said Act, as follows :

1. A detainee who is unable to present one of the documents stipulated in section 337 of the Election Act may be identified by a member of the staff of the custodial facility who has been designated by the facility's manager to act in that capacity ;

2. A member of the staff of the custodial facility may attest to the identity of a detainee on more than one occasion during the poll ;

3. A member of staff attesting to the identity of a detainee need not take an oath, give his date of birth or address, or present identification;

4. The register kept by the members of the identity verification panel pursuant to section 335.2, and the certificate referred to in section 335.4., shall be replaced by a form allowing the chairman of the identity verification panel to identify the persons taking advantage of the identification procedures stipulated in this decision.

This decision shall take effect on the date of the order enjoining the chief electoral officer to hold general elections in Québec.

Québec, 12 March 2003

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

5684

Municipal Affairs

Gouvernement du Québec

O.C. 371-2003, 12 March 2003

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

Amalgamation of Ville de La Tuque, Village de Parent and the municipalities of La Bostonnais, La Croche and Lac-Édouard

WHEREAS, on 29 June 2001, the Minister of Municipal Affairs and Greater Montréal requested the Commission municipale du Québec to carry out, in accordance with section 125.5 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a study into the advantages and disadvantages of the amalgamation of Ville de La Tuque, Village de Parent and the municipalities of La Bostonnais, La Croche and Lac-Édouard;

WHEREAS the Commission municipale du Québec submitted a report to the Government containing a recommendation, with reasons, in relation to the amalgamation in respect of which the request was made;

WHEREAS the Commission municipale du Québec made a positive recommendation in relation to the amalgamation of Ville de La Tuque, Village de Parent and the municipalities of La Bostonnais, La Croche and Lac-Édouard and it held a public hearing on the territory to be affected by the amalgamation;

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

WHEREAS, under subparagraph 17 of the first paragraph of section 125.27 of the Act respecting municipal territorial organization, the Government may include in the new municipality all or any part of an unorganized adjacent territory;

WHEREAS this Order in Council must not be interpreted as having the effect of a repeal, variation, negation or recognition of an aboriginal or treaty right in favour of the Atikamekw Nation;

WHEREAS the amalgamation under this Order in Council does not purport to create a situation that would be prejudicial to the negotiation between the Atikamekw Nation, the Government of Québec and the Government

of Canada in relation to that Nation's comprehensive land claim, and whereas this Order in Council may be the subject of an amendment proposal in the National Assembly if a treaty is signed;

WHEREAS, under section 125.11 of the Act respecting municipal territorial organization, the Government may order the constitution of a local municipality;

WHEREAS, under sections 125.11 and 125.27 of the Act respecting municipal territorial organization, it is expedient to order the constitution of a local municipality through the amalgamation of the municipalities referred to in the report of the Commission municipale du Québec;

WHEREAS the Preamble to this Order in Council forms an integral part thereof;

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

THAT a local municipality be constituted through the amalgamation of Ville de La Tuque, Village de Parent and the municipalities of La Bostonnais, La Croche and Lac-Édouard in accordance with the following provisions:

CHAPTER I **CONSTITUTION OF THE MUNICIPALITY**

1. The name of the new local municipality is "Ville de La Tuque".

2. The description of the territory of the town is the description drawn up by the Minister of Natural Resources on 5 September 2002; that description is attached as a schedule to this Order in Council. That description includes the unorganized territory of Municipalité régionale de comté du Haut-Saint-Maurice.

3. The town is governed by the Cities and Towns Act (R.S.Q., c. C 19).

4. In this Order in Council, the expression "amalgamating municipalities" means Ville de La Tuque, Village de Parent, the municipalities of La Bostonnais, La Croche and Lac-Édouard and Municipalité régionale de comté du Haut-Saint-Maurice in respect of its unorganized territory.

CHAPTER II

DIVISION OF TERRITORY INTO WARDS

5. The territory of the town is divided into eight wards numbered from 1 to 8, the territory of each corresponding to the electoral district bearing the number corresponding to the number of the ward.

Except during the period referred to in the first paragraph of section 73, the town council may, by by-law, change the number and boundaries thereof.

The town council shall constitute a ward council if 10 persons residing in that ward so request. It may also constitute any ward council on its own initiative.

The number of members on a ward council shall be three. Any municipal councillor whose electoral district coincides in whole or in part with the ward is automatically a member of the ward council. The other members shall be designated by the council from among the residents of the wards, those persons shall represent groups affected by the jurisdictions of the ward council.

6. The chair of the ward council shall be the councillor elected in the corresponding electoral district. If the limits of a ward do not coincide with those of an electoral district, the town council shall designate which municipal councillor shall be the chair.

The position of chair of a ward council is deemed to be a position referred to in the third paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

7. Persons sitting on the ward council but not on the town council may be reimbursed for expenses incurred in the exercise of their duties in accordance with the rules established in a by-law of the town council. Those rules may provide for a remuneration fixed on the basis of the person's presence on the ward council.

8. The town council may vote and provide the ward council with the sums of money needed for the performance of its functions.

9. The ward council is an advisory body. The council is the link between citizens and the municipal administration to facilitate neighbourhood services.

The main functions of the council are to ensure the quality of the neighbourhood services provided to citizens in the ward, to verify whether the citizens have access to those services, to recommend to the town a community support for ward organizations, to ensure that municipal ward buildings and equipment are acces-

sible, to propose projects that promote culture, recreational activities and the use of the parks in the ward and to recommend to the town council the subsidies that it may grant to ward organizations under subsection 2 of section 28 of the Cities and Towns Act.

The following municipal services are considered neighbourhood services:

— services rendered directly to citizens, such as the issuance of permits, the payment of taxes and fines, the exchange of information and the processing of complaints;

— services concerning immovables, such as street maintenance, the water and sewer system, the management of residual materials, fire protection, public safety, street lighting, property assessment, urban planning and zoning; and

— community services, such as the organization of recreational and cultural activities, the local municipal library, the maintenance of the cemetery, parks and playgrounds, support to local community organizations and local and community development.

10. The ward council may give opinions and make recommendations to the town council on any matter mentioned in section 9. Upon request by the town council, it shall provide the town with such opinions and recommendations and give advice on any other matter determined by the council.

The sittings of the ward council are public. At least four sittings shall be held per year.

During a sitting, the ward council shall deal with the matters on the agenda, which shall be published in a local newspaper or a bulletin available in the ward, together with a notice indicating the day, place and time of the sitting.

Each sitting shall include a question period for the citizens.

CHAPTER III

EXECUTIVE COMMITTEE

11. The town council may, by a by-law adopted by a two-thirds vote of its members, constitute an executive committee composed of the mayor and two members designated by the mayor from among the council members.

The mayor may replace a member of the executive committee at any time.

12. The mayor of the town is the chair of the executive committee and shall designate the vice-chair from among the members of the committee.

13. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect to the town clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

14. The regular meetings of the executive committee are held at the place, on the days and at the times fixed in the internal management by-law adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

15. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

16. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

17. Any member of the executive committee who is not present at a meeting may participate by using an electronic communication means.

The means used must make it possible for all persons participating or attending the meeting in person or by such a means to hear clearly what one of them is saying in a loud and intelligible voice.

Any member who participates in such a way in a meeting is deemed to be present.

18. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-law of the town; and

(2) for all or part of a meeting if the executive committee so decides.

19. A majority of members constitutes a quorum at meetings of the executive committee.

20. Each member of the executive committee present at a meeting has one vote.

21. Each decision is made by a simple majority vote.

22. The executive committee exercises the responsibilities as provided in section 70.8 of the Cities and Towns Act and acts for the town in all cases in which a provision of the internal management by-law assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed \$50,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-law or requested by the council does not limit the council's power to consider and vote on the matter.

23. The council may, in its internal management by-law, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., c. A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., c. B-4), the Act respecting municipal courts (R.S.Q., c. C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) or the Act respecting municipal territorial organization;

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants;

(4) the power to create the various departments within the town, determine the scope of their activities and appoint the department heads and assistant heads; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is referred to in the second and third paragraphs of section 71 of the Cities and Towns Act.

The council may also, in its internal management by-law, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The

by-law may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

24. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may, to the extent permitted by the town's internal management by-law, provide for the delegation of any power of the executive committee to an officer or employee of the town and determine the terms and conditions under which such power may be exercised.

25. A decision by the council to delegate a power to or withdraw a power from the executive committee must be made by a two-thirds vote of the members of the council.

CHAPTER IV SPECIAL RULES

26. The council member representing the electoral district that includes the territory of the former Village de Parent is entitled to reimbursement by the town of the expenses incurred to attend the meetings of the council, of the executive committee and any committee of the council.

27. The council member representing the electoral district that includes the territory of the former Village de Parent may participate in a meeting of the council or a committee of the council by using an electronic communication means if he or she cannot attend in person.

The means used must make it possible for all persons participating or attending the meeting in person or by such a means to hear clearly what one of them is saying in a loud and intelligible voice.

Any member who participates in such a way in a meeting is deemed to be present.

CHAPTER V JURISDICTION

DIVISION 1 GENERAL

28. The town is considered to be a regional county municipality for the purposes of the following Acts or provisions, with the necessary modifications :

(1) the Forest Act (R.S.Q., c. F-4.1);

(2) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);

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

(4) the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

(5) articles 688 to 688.3 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

(6) the Civil Protection Act (R.S.Q., c. S-2.3);

(7) the Fire Safety Act (R.S.Q., c. S-3.4).

29. The town is governed by the provisions of the Act respecting land use planning and development concerning regional county municipalities, as well as by those concerning local municipalities, subject to the necessary modifications. The powers and responsibilities assigned by that Act to the warden, the council and the secretary-treasurer of the regional county municipality shall be respectively exercised by the mayor, the town council and the clerk.

Notwithstanding the foregoing, examination of the conformity of the land use planning and development plan of the town, the planning program or a planning by-law shall be made in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, instead of sections 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of planning by-laws.

The land use planning and development plan of the town is the plan in force in Municipalité régionale de comté du Haut-Saint-Maurice on the date of coming into force of this Order in Council; the planning program and planning by-laws of the town are all the planning programs and planning by-laws of the amalgamating municipalities, in force on that date.

Paragraphs 1 and 2 of section 7 of the Act respecting land use planning and development do not apply to the land use planning and development plan of the town.

The land use planning and development plan, the planning program and the planning by-laws referred to in the third paragraph may not be revised, amended or revoked for a period of five years following the coming into force of this Order in Council, in respect of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice. The Minister of Municipal Affairs and Greater Montréal may, however, authorize the town, after consultation with the committee referred to in section 33 and to the extent indicated by the Minister, to revise, amend or adopt those documents for the purpose of including that territory.

DIVISION II

SPECIAL JURISDICTION

30. The town shall establish a social housing development fund.

The town shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing units allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the town with the information necessary to determine the amount to be paid into the fund.

31. The town may draw up a plan for the development of its territory within two years of the first general election of the town.

The plan shall include, in particular, the town's objectives with regard to community, economic, social and cultural development, as well as the rules governing the financial support given to an organization devoted to community, economic, social and cultural development.

32. The town shall provide the council of the ward comprising the sector made up of the territory of the former Village de Parent with a teleconference system compatible with the system of the former regional county municipality.

DIVISION III

ADVISORY COMMITTEE

33. A joint advisory committee is constituted.

34. The committee shall be composed of eight members, including four members of the town council and four members of the Atikamekw Nation.

The mayor of the town is a member by virtue of office.

Three members shall be appointed by the town council from among its members and four members shall be appointed by the Atikamekw Nation.

35. The mayor of the town and a member designated by the representatives of the Atikamekw Nation shall act as co-chairs of the committee.

One of the co-chairs shall call the meetings. Both co-chairs shall preside the meetings and ensure that they are properly conducted. Should the mayor be absent, the members appointed by the town council shall designate one of their number to replace the mayor. Should the co-chair designated by the representatives of the Atikamekw Nation be absent, the representatives shall designate a replacement from among their number.

36. The committee may adopt an internal management by-law respecting its meetings and the conduct of its business.

37. A majority of the members of the committee constitutes the quorum. Each member present has one vote.

Every notice, report, recommendation or document of the committee is adopted by a simple majority.

38. The role of the committee is to study, at the request of the town council or the Atikamekw Nation, or on its own initiative, any issue relating to the exercise of the powers of the town over the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice.

CHAPTER VI

SUCCESSION

39. The town succeeds to the rights, obligations and charges of the amalgamating municipalities and the Municipalité régionale de comté du Haut-Saint-Maurice which cease to exist on the date of coming into force of this Order in Council. The town becomes, without continuance of suit, a party to every suit, in the place of those municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities and those of Municipalité régionale de comté du Haut-Saint-Maurice, to the extent that they are compatible with this Order in Council, remain in force in the territory for which they were made until they are amended, cancelled or revoked.

40. Any amounts required after the coming into force of this Order in Council in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) in respect of a pension plan to which an amalgamating municipality was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall remain charged to the taxable immovables in the sector made up of the territory of that former municipality. Contributions paid after that date, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a former municipality was a party, in respect of years of service completed before the coming into force of this Order in Council shall remain charged to the taxable immovables in the sector made up of the territory of that former municipality.

The date of determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the first paragraph

must be earlier than one day before the date of coming into force of this Order in Council. In the case of an improvement unfunded actuarial liability, the amendment must have been made before the coming into force of this Order in Council. Notwithstanding the foregoing, if a pension plan still has such an amount or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the town for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the first paragraph refers.

41. A municipal housing bureau is constituted under the name "Office municipal d'habitation de la Ville de La Tuque". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

The municipal bureau shall succeed to the municipal housing bureaus of the former Ville de La Tuque and the former Village de Parent, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the town council, two members shall be elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and two members shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups in the bureau's territory.

Until the directors are designated in accordance with the third paragraph of this section, the temporary directors of the new bureau shall be, as of the date of coming into force of this Order in Council, six members of the board of the municipal housing bureau of the former Ville de La Tuque including the chair who shall also act in that capacity, and two members of the municipal housing bureau of the former Village de Parent, including the chair who shall act as the vice-chair. Should the town council, all the lessees of the new bureau and the Minister of Municipal Affairs and Greater Montréal fail to designate the directors as provided in the third paragraph before 1 November 2003, the term of the temporary directors shall end on that date.

The directors shall elect from among their number a chair, vice-chair and any other officer they consider advisable to appoint.

The term of the board of directors is three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced.

The budgets of the dissolved bureaus remain effective on the date of constitution of the new bureau. The expenses and expenditures of the new bureau, for the remainder of the current fiscal year, shall continue to be accounted for separately for each dissolved bureau as if the amalgamation had not taken place.

The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

- (1) borrow money on the credit of the bureau ;
- (2) issue bonds or other securities of the bureau and give them as security or sell them for the prices and amounts considered appropriate ;
- (3) hypothecate or pledge the present or future immovables or movables of the bureau to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;
- (4) hypothecate the immovables and movables of the bureau or otherwise encumber them, or give various such types of security, to ensure the payment of loans contracted other than by the issue of bonds, as well as the payment or execution of any other debt, contract and liability of the bureau ; and
- (5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law considered necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the bureau constituted, and shall retain their seniority and employment benefits.

Within 15 days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or administrator.

CHAPTER VII FINANCIAL

42. The Programme d'aide à la renovation en milieu rural (Réno-Village) and the Programme de réparation d'urgence (PRU) of the Société d'habitation du Québec apply to the town with the necessary modifications.

43. The balance of the amounts to be provided in the future, entered in the accounting books of each of the former municipalities on 1 January 2000, following the coming into force to the new accounting standards contained in the *Manuel de la présentation de l'information financière municipale*, shall become charged or credited to all the taxable immovables of the town.

44. If a budget was adopted by an amalgamating municipality for the fiscal year during which this Order in Council comes into force

(1) that budget remains applicable ;

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

(3) an expenditure recognized by the council of the town as resulting from the amalgamation shall be charged to each of the former municipalities, based on the proportion of their standardized property values to the total values of the former municipalities, as they appear in the financial statements of the former municipalities for the fiscal year preceding the year in which this Order in Council comes into force.

45. The working funds of the former municipalities are dissolved on the day of the coming into force of this Order in Council.

The town shall constitute a working fund of \$600,000 made up of sums allocated as follows :

(1) \$100,000 from the moneys paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) ;

(2) \$125,000 from the surplus accumulated on behalf of the former Ville de La Tuque ;

(3) \$20,000 from the surplus accumulated on behalf of the former Municipalité de La Croche ;

(4) \$20,000 from the surplus accumulated on behalf of the former Municipalité de La Bostonnais ;

(5) \$10,000 from the surplus accumulated on behalf of the former Village de Parent ;

(6) during the first four fiscal years for which a budget is adopted by the town for its entire territory, the town shall allocate \$2,500 each year from a special property tax imposed by the town on all the taxable immovables in the sectors made up of the territory of the former Municipalité de Lac-Édouard, on the basis of their value as it appears on the assessment roll in force each year. In that case, the amount in the fund increases as the revenues from that tax are collected ;

(7) \$65,000 from the surplus accumulated on behalf of Municipalité régionale de comté du Haut-Saint-Maurice for its unorganized territory ;

(8) during the first four fiscal years for which a budget is adopted by the town for its entire territory, the town shall allocate \$62,500 each year from a special property tax imposed by the town on all the taxable immovables in the sector made up of the territory of the former Ville de La Tuque, on the basis of their value as it appears on the assessment roll in force each year. In that case, the amount in the fund increases as the revenues from that tax are collected.

The part not taken from the working fund of a former municipality shall be paid into the surplus accumulated on behalf of that former municipality.

If the surplus accumulated on behalf of a former municipality is not sufficient for the purposes of the second paragraph, the town shall impose a special property tax on all the taxable immovables in the sector made up of the territory of the former municipality on the basis of their value as it appears on the assessment roll in force each year. For the purposes of this paragraph, the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice constitutes a sector.

CHAPTER VIII TRANSITIONAL

46. Until the council decides otherwise, Yves Tousignant, clerk of the former Ville de La Tuque, shall act as clerk of the town.

47. The first sitting of the provisional council shall be held at the town hall of the former Ville de La Tuque.

48. The balance of the sums received under the Programme d'aide financière au regroupement municipal (PAFREM), after the application of section 45, shall be paid into the town's general fund.

49. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development do not apply to a by-law adopted by the town to replace all the zoning by-laws and all the subdivision by-laws applicable in its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable in the entire territory of the town, provided that such a by-law comes into force within four years of the coming into force of the Order in Council.

Such a by-law must be approved in accordance with the Act respecting elections and referendums in municipalities by the persons qualified to vote in the entire territory of the town.

50. Subject to section 45, any surplus accumulated by a former municipality on the date of coming into force of this Order in Council shall be used as follows :

(1) amounts reserved for specific purposes and appropriated shall be used for those purposes; amounts received for a forestry management fund must be allocated to forestry or parks purposes in the sector made up of the territory of the former municipality for which the amounts were received;

(2) any excess in the accumulated surplus shall be used for the benefit of the sector made up of the territory of the former municipality that accumulated the surplus and may be allocated to public works in the sector, to reductions in taxes applicable to all the taxable immovables in the sector or to repayment of its debt.

51. Any deficit accumulated on the date of coming into force of this Order in Council by a former municipality remains chargeable to all the taxable immovables in the sector made up of the territory of that former municipality.

52. Subject to sections 53 and 54, the repayment of principal and interest due on loans made under by-laws adopted by a municipality that is a party to the amalgamation before the coming into force of this Order in Council remains chargeable to the sector made up of the territory of the former municipality having contracted the loans, in accordance with the taxation clauses provided for in those by-laws. If the town decides to amend those taxation clauses in accordance with the law, the amendments may apply only to the taxable immovables situated in the sector made up of the territory of that former municipality.

53. The repayment of the loans made under the following by-laws of the former Ville de La Tuque becomes chargeable to the taxable immovables in the sector made up of the territory of the former municipalities of La Croche, La Bostonnais and Lac-Édouard and the former Ville de La Tuque, on the basis of their value as it appears on the assessment roll in force each year :

— by-laws Nos. 978-95, 940-93, 885, 775, 983-96, 866, 951-94, 997-97, 313-99, 749, 745, 983-1-96, 864, 885, 900, 950-94, 305-98, 304-98, 313-99 and 317-99.

54. The repayment of the loans made under the following by-laws of the former Ville de La Tuque become chargeable to the taxable immovables in the new town, on the basis of their value as it appears on the assessment roll in force each year :

— by-laws Nos. 963-94 and 966-95.

55. The aliquot shares payable by a former municipality to the Société québécoise d'assainissement des eaux under an agreement entered into with the government of Québec remain chargeable to the users in the sector made up of the territory of that former municipality. For the purposes of the repayment of the aliquot shares, the council of the town must require an annual tariffing rate from the users.

56. The available balance of any loan made under a by-law of a former municipality shall be allocated to the annual repayment of the principal and interest due on such a loan. The rate of the tax imposed for the purposes of those annual repayments shall be reduced in such manner that the tax revenue is equal to the balance payable, after deduction of the available balance used.

57. The aggregate formed by the property assessment rolls of the former Municipalité de La Bostonnais, the former Village de Parent and the former Ville de La Tuque, drawn up for the 2003, 2004 and 2005 fiscal years, and the property assessment rolls of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice and the former municipalities of La Croche and Lac Édouard, drawn up for the 2002, 2003 and 2004 fiscal years, constitutes the property assessment roll of the new town on the coming into force of this Order in Council, until 31 December 2003.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment of the values on the property assessment roll shall be made for the 2003 fiscal year.

In respect of an entry on the property assessment roll of the new town for the 2003 fiscal year, the property market conditions that applied for each of the property assessment rolls identified in the first paragraph are considered, for the purpose of establishing the real value entered on the roll, to have been taken into account, as those conditions existed on 1 July of the second fiscal year preceding the coming into force of the rolls.

For the purpose of determining the market conditions on the date mentioned in the third paragraph, the information relating to property transfers before and after that date may be taken into account, among other factors.

The date of reference to the property market for each of the rolls identified in the first paragraph and mentioned in the third paragraph must appear, where applicable, on every notice of assessment, account for taxes, notice of alteration to the roll and assessor's certificate issued in connection with the updating of the roll.

For the 2003 fiscal year, the median proportions and comparative factors of the property assessment roll of the new town referred to, if applicable, in the eighth and ninth paragraphs of section 264 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), are respectively those of the property assessment rolls referred to in the first paragraph.

58. The aggregate formed by the property assessment rolls, altered in accordance with the second paragraph of this section, of the former Municipalité de La Bostonnais and the former Village de Parent, drawn up for the 2003, 2004 and 2005 fiscal years, the property assessment rolls, altered in accordance with the second paragraph of this section, of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice and the former municipalities of La Croche and Lac-Édouard, drawn up for the 2002, 2003 and 2004 fiscal years, and the property assessment roll of the former Ville de La Tuque, drawn up for the 2003, 2004 and 2005 fiscal years, constitutes the property assessment roll of the new town for the 2004 and 2005 fiscal years.

An adjustment of the values entered on the property assessment roll of the new town shall be made, for the units of assessment of the former municipalities of La Bostonnais, La Croche and Lac-Édouard, the former Village de Parent and the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice, by dividing the units of assessment by the median proportion established for the 2003 fiscal year of their respective rolls and by multiplying them by the median proportion established for the 2003 fiscal year of the property assessment roll of the former Ville de La Tuque.

In respect of an entry on the property assessment roll of the new town for the 2004 and 2005 fiscal years, the property market conditions as they existed on 1 July are considered, for the purpose of establishing the real value entered on the roll, to have been taken into account.

For the purpose of determining the market conditions on the date mentioned in the third paragraph, the information relating to property transfers before and after that date may be taken into account, among other factors.

The date mentioned in the third paragraph must appear, where applicable, on every notice of assessment, account for taxes, notice of alteration to the roll and assessor's certificate issued in connection with the updating of the roll.

For the 2004 and 2005 fiscal years, the median proportion and comparative factor of the property assessment roll established by the assessor of the former Ville de La Tuque for the 2003 fiscal year are deemed to be those established for the first fiscal year for which the property assessment roll of the new Ville de La Tuque applies.

59. The first three-year property assessment roll of the new town must be drawn up, in accordance with section 14 of the Act respecting municipal taxation, for the 2006, 2007 and 2008 fiscal years.

60. The assessor of the former Ville de La Tuque is authorized, as of the date of coming into force of this Order in Council, to perform any of the acts required by the Act respecting municipal taxation and its regulations in respect of the property assessment roll of the new town.

61. Any debt or gain that may arise as a result of legal proceedings, for any act performed by a former municipality that is a party to the amalgamation remains chargeable or credited to all the taxable immovables of the former municipality.

62. A payment of a tax supplement or, as the case may be, an overpayment of tax, made under section 245 of the Act respecting municipal taxation as a result of an alteration to the assessment roll effective for the period prior to the date of coming into force of this Order in Council remains credited or chargeable to the ratepayers in the sector made up of the territory of the former municipality in which the alteration becomes effective. A tax supplement, after any deduction of administration or collection charges, is added to the surplus of the former municipality and dealt with in accordance with section 50.

Receipts from the billing of duties on transfers of immovables for the period prior to the coming into force of this Order in Council remain credited to the ratepayers in the sector made up of the territory of the former municipality in which the transfers of immovables took place, and receipts collectable, after any deduction of administration or collection charges, are added to the surplus of the former municipality and dealt with in accordance with section 50.

63. The terms and conditions for the apportionment of the cost of common services set out in intermunicipal agreements in force before the coming into force of this Order in Council continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

CHAPTER IX FISCAL

64. For each of the first seven full fiscal years following the coming into force of this Order in Council, a general property tax credit shall be granted in respect of all the taxable immovables in the sector made up of the territory of the former *Municipalité de La Bostonnais*; the reduction in the rate of the general property tax in relation to the credit is calculated by dividing the following amounts by the total amount of the taxable assessment of the sector, according to the assessment roll in force annually:

— First year:	\$28,891;
— Second year:	\$24,764;
— Third year:	\$20,636;
— Fourth year:	\$16,509;
— Fifth year:	\$12,382;
— Sixth year:	\$8,255;
— Seventh year:	\$4,127.

65. For each of the first seven full fiscal years following the coming into force of this Order in Council, a general property tax credit shall be granted in respect of all the taxable immovables in the sector made up of the unorganized territory of the former *Municipalité régionale de comté du Haut-Saint-Maurice*; the reduction in the

rate of the general property tax in relation to the credit is calculated by dividing the following amounts by the total amount of the taxable assessment of the sector, according to the assessment roll in force annually:

— First year:	\$178,566;
— Second year:	\$153,056;
— Third year:	\$127,547;
— Fourth year:	\$102,038;
— Fifth year:	\$76,528;
— Sixth year:	\$51,019;
— Seventh year:	\$25,109.

66. For each of the first seven full fiscal years following the coming into force of this Order in Council, a special property tax credit shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former *Ville de La Tuque*; the rate of the special property tax is calculated by dividing the following amounts by the total amount of the taxable assessment of the sector, according to the assessment roll in force annually:

— First year:	\$117,646;
— Second year:	\$100,839;
— Third year:	\$84,033;
— Fourth year:	\$67,226;
— Fifth year:	\$50,420;
— Sixth year:	\$33,613;
— Seventh year:	\$16,807.

67. For each of the first seven full fiscal years following the coming into force of this Order in Council, a special property tax credit shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former *Municipalité de La Croche*; the rate of the special property tax is calculated by dividing the following amounts by the total amount of the taxable assessment of the sector, according to the assessment roll in force annually:

— First year:	\$3,346;
— Second year:	\$2,868;
— Third year:	\$2,390;
— Fourth year:	\$1,912;
— Fifth year:	\$1,434;
— Sixth year:	\$956;
— Seventh year:	\$478.

68. For each of the first seven full fiscal years following the coming into force of this Order in Council, a special property tax credit shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Municipalité de Lac-Édouard; the rate of the special property tax is calculated by dividing the following amounts by the total taxable value of the immovables in the sector made up of the territory of that former municipality, according to the assessment roll in force annually:

— First year:	\$16 475;
— Second year:	\$14 121;
— Third year:	\$11 768;
— Fourth year:	\$9 414;
— Fifth year:	\$7 061;
— Sixth year:	\$4 707;
— Seventh year:	\$2 354.

69. For each of the first seven full fiscal years following the coming into force of this Order in Council, a special property tax credit shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Village de Parent; the rate of the special property tax is calculated by dividing the following amounts by the total taxable value of the immovables in the sector made up of the territory of that former municipality, according to the assessment roll in force annually:

— First year:	\$69,990;
— Second year:	\$59,991;
— Third year:	\$49,993;
— Fourth year:	\$39,994;
— Fifth year:	\$29,996;
— Sixth year:	\$19,997;
— Seventh year:	\$9,999.

70. Sections 64 to 69 also apply to any non-taxable immovable in respect of which a sum provided for in the first paragraph of section 208, the second paragraph of section 210, the first paragraph of section 254 or the first paragraph of section 255 of the Act respecting municipal taxation must be paid.

For the application of sections 64 to 69 to that immovable, its non-taxable value is considered to be a taxable value and the sum payable in its respect is considered to be a tax.

71. For the first fiscal year for which the new town adopts a budget in respect of all its territory, the difference between the rate specific to the category of non-residential immovables fixed under section 244.38 of the Act respecting municipal taxation and the difference between the latter rate and the rate specific to industrial immovables, for each of the sectors made up respectively of the territory of the former Village de Parent, the former municipalities of La Bostonnais, La Croche and Lac-Édouard and the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice, must be equal, for each rate, to 10% of that difference calculated for the sector made up of the former Ville de La Tuque.

For the second to the tenth fiscal years of the new town, the differences must be equal, for each rate, to a percentage of the same difference calculated for the sector made up of the former Ville de La Tuque that is increased by 10% for each fiscal year concerned so as to attain 100% of the difference in the tenth fiscal year.

CHAPTER X FINAL

72. The first general election shall be held on 2 November 2003 and the second general election shall be held in 2005.

73. For the purposes of the first and second general elections and any by-election held before the third general election, the provisional council shall, within three months of the coming into force of this Order in Council, divide the territory of the town into eight electoral districts.

The division must be carried out so that

(1) district 1 includes the territory of the former Village de Parent and part of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice;

(2) district 2 includes the territory of the former Municipalité de La Croche and part of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice;

(3) district 3 includes the territory of the former municipalities of La Bostonnais and Lac-Édouard and part of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice;

(4) districts 4, 5, 6 and 7 include the urban sector of the former Ville de La Tuque;

(5) district 8 includes the rural sector of the former Ville de La Tuque and part of the unorganized territory of the former Municipalité régionale de comté du Haut-Saint-Maurice.

Subject to the second paragraph, the Act respecting elections and referendums in municipalities applies with the necessary modification, in particular,

(1) the town is not bound to request the approval provided for in the second paragraph of section 12 of that Act;

(2) sections 14 and 16 to 20 of that Act do not apply to that division;

(3) section 15 applies to the by-law itself;

(4) despite section 21, the by-law is adopted within 60 days of the coming into force of this Order in Council;

(5) the clerk shall publish the notice provided for in section 22 even if a public meeting has not been held on a proposed by-law;

(6) the by-law must come into force within 3 months of the coming into force of this Order in Council.

74. For the purposes of the first and second general elections and any by-election held before the third general election, only a person who is entitled to be entered on the electoral list of the town and who has resided continuously or not in a district for at least 12 months on 1 September of the calendar year in which a regular election is to be held is eligible for the office of councillor for the district in question.

75. Until the term of the majority of candidates elected in the first general election begins, the town shall be governed by a provisional council composed of each of the mayors of the former Village de Parent and the former municipalities of La Croche, Lac-Édouard and La Bostonnais, as well as the mayor of the former Ville de La Tuque and four councillors of that former town, designated by and from among the members of that former council.

The mayor of the former Ville de La Tuque shall act as the mayor of the town for all the duration of the provisional council.

The provisional council shall designate a deputy mayor from among its members.

If the office of mayor or an office of councillor of the former Ville de La Tuque is vacant on the provisional council, the unused vote shall be transferred to a councillor chosen by and from among the members of the provisional council who were members of the council of that former town.

If the office of a mayor representing one of the other former municipalities is vacant on the provisional council, that person may be replaced by a councillor chosen by and from among the council members of that former municipality. If the office is not filled, the unused vote shall be transferred to one of the mayors of one of the municipalities other than La Tuque by a secret ballot of those mayors.

76. Until the term of the majority of candidates elected in the first general election begins, each member of the provisional council shall retain the remuneration received as a member of the council of the former municipality. As of that date, the by-law respecting the remuneration of elected municipal officers in force in the former Ville de La Tuque applies to the members of the town council until the coming into force of a new by-law.

The mayors of the former municipalities shall continue to receive, for the duration of the provisional council, in addition to the remuneration provided for in the first paragraph, the remuneration received from the Municipalité régionale de comté du Haut-Saint-Maurice. In addition, if one of those mayors is elected to the town council, the mayor shall continue to receive that remuneration until a new by-law respecting the remuneration of elected municipal officers comes into force.

77. The provisional council shall undertake to draw up a plan respecting the integration of public servants of the amalgamating municipalities and to draw up the terms and conditions governing the rights and recourses of any employee who feels wronged by the application of the integration plan.

78. Any member of the council of a local municipality that is a party to the amalgamation whose term ends for the sole reason that the municipality ceased to exist on the date of coming into force of this Order in Council is entitled to receive compensation and to continue to participate in the pension plan of elected municipal officers in accordance with sections 79 to 83.

However, for the purposes of the preceding paragraph, the term of the council members of the former Ville de La Tuque, the former municipalities of La Bostonnais and Lac-Édouard and the former Village de Parent is presumed to end on 2 November 2003.

Any right referred to in the first paragraph ceases to apply to a person in respect of any period during which, from the date of coming into force of this Order in Council, the person is a member of the council of a municipality in the territory of Québec.

79. The amount of the compensation provided for in section 78 is based on the remuneration in effect on the date of coming into force of this Order in Council in respect of the office held by the person referred to in the first paragraph of section 78 on that date to which any adjustment of remuneration provided for by a by-law of the council of a local municipality that is in effect on the date of coming into force of this Order in Council applies.

The amount of the compensation is also based on the remuneration that the person referred to in the first paragraph of section 78 was receiving directly from a mandatory body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3).

The compensation established pursuant to the first and second paragraphs, excluding the part described in the fourth paragraph, may not be greater, on an annual basis, than the maximum remuneration payable under section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation must also, where applicable, include any amount corresponding to the provisional contribution payable under section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatory body of the municipality or supramunicipal body would have been required to pay in relation to the remuneration provided for in the first and second paragraphs in respect of the person referred to in the first paragraph of section 78.

80. In respect of the council members of the former Municipalité de La Croche, the Government shall participate in the financing of one-half of the expenses representing the payment of the part of the compensation referred to in section 79 that is based on the minimum annual remuneration provided for in the Act respecting the remuneration of elected municipal officers, of the person eligible under the program and on the amount of the provisional contribution payable in respect of that part of the compensation.

The Government shall forward to the town every amount corresponding to the part of the expenses to which the Government must contribute.

81. The balance of the expenses incurred to pay to council members of the former Municipalité de La Croche compensation including, where applicable, the provisional contribution, constitutes a debt that is a burden on the taxable immovables in the sector made up of the territory of that former municipality.

All the expenses incurred to pay to council members of the former Ville de La Tuque, the former Village de Parent and the former municipalities of La Bostonnais and Lac-Édouard compensation including, where applicable, the provisional contribution, constitutes a debt that is a burden on the taxable immovables in the sector made up of the territory of that former municipality, in which the person eligible under the program was a council member.

82. Every person referred to in section 78 who, on the date of coming into force of this Order in Council, is a member of the Pension Plan of Elected Municipal Officers established under the Act respecting the Pension Plan of Elected Municipal Officers shall

continue to be a member of that plan for the period mentioned in section 83. However, the member may, within 60 days of the coming into force of this Order in Council, notify the town of the person's choice to cease membership in the plan. The person must forward a copy of the notice to the Commission administrative des régimes de retraite et d'assurances as soon as possible. Membership in the plan of the person giving the notice ceases on the date of coming into force of this Order in Council.

The pensionable salary of a person continuing to be a member of the plan pursuant to section 78 is equal to the amount of the compensation paid to the person in the period mentioned in section 83, less any amount of the compensation payable as a provisional contribution. In such case, the provisional contribution shall be paid by the town to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution which the town must withhold on each payment of compensation.

A person electing to terminate membership in the pension plan referred to in the first paragraph shall retain entitlement to the portion of the compensation relating to the provisional contribution.

83. The compensation shall be paid by the town in bi-monthly payments during the period beginning on the date of coming into force of this Order in Council and ending on the date on which the first general election would have been held following the expiry of the term of office in progress.

The person eligible for compensation may agree with the town on any other manner of payment of the compensation.

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE NEW VILLE DE LA TUQUE

The territory of the new Ville de La Tuque, following the amalgamation of Municipalité de La Bostonnais, Municipalité de La Croche, Municipalité de Lac-Édouard, Village de Parent, Ville de La Tuque and 8 unorganized territories (Kiskissink, Lac-Berlinguet, Lac-des-Moires, Lac-Pellerin, Lac-Tourlay, Obedjiwan, Petit-Lac-Wayagamac and Rivière-Windigo) of Municipalité

régionale de comté du Haut-Saint-Maurice, including all lots and blocks of the original survey or of the cadastres of the townships of Lacroix, Buteux, Marceau, Balète, Pfister, Ventadour, Coursol, Lagacé, Perrier, Mathieu, Verreau, Dubois, Huard, Juneau, Lacasse, Toussaint, McSweeney, Magnan, Lindsay, Berlinguet, Baillargé, Hanotaux, Crémazie, Le May, Marmette, Brochu, Déziel, Faguy, Lafitau, La Bruère, Poisson, Évanturel, Myrand, Chapman, Nevers, Aubin, Levasseur, Routhier, Laflamme, Provancher, Achintre, Sulte, Huguenin, Delage, Leblanc, Bureau, Bourassa, Bonin, Buies, Faucher, Montpetit, Tassé, Fréchette, Decelles, Dansereau, Tarte, Lareau, Douville, Fortier, Leau, Bazin, Lamy, Suzor, Huot, Hamel, Weymontachingue, Albani, Gosselin, Choquette, David, Landry, Dandurand, Letondal, Lavigne, Dessane, Lavallée, Drouin, Lortie, Amyot, Châteauvert, Laliberté, Sincennes, Frémont, Chouinard, Rhéaume, Ingall, Laporte, Bardy, Cloutier, Cadieux, Bisailon, Olscamp, Payment, Adams, Tourouvre, Geoffrion, Harper, Dumoulin, Langelier, Baril, Turcotte, Vallières, Polette, Carignan, Malhiot, Pothier, Bourgeois, Charest, Laurier, Papin, Chaumonot, Michaux, Biard, Rhodes, Lavoie, Chasseur, Borgia, Lescarbot, Bickerdike, Trudel, Gendron and Laure, undivided lands, travelways, hydrographic and topographic elements, built-up sites or parts thereof included in the perimeter starting at the intersection of the eastern line of Canton de Balète with parallel 49°00' of north latitude and following successively the following lines and demarcations: westerly, that parallel of latitude to the western line of Canton de Lacroix; southerly, part of the western line of Canton de Lacroix and the western line of the townships of Coursol, Juneau, Hanotaux, Poisson, Provancher, Buies, Douville and Gosselin; the southern line of the townships of Gosselin, Choquete, David and Landry; part of the southern line of Canton de Dandurand and the southwestern line of the townships of Drouin, Lortie and Laliberté; part of the southwestern line of Canton de Sincennes to the southeast shore of Lac Mondonac; the southeast shore of the said lake, north-easterly, then the southeast bank of Rivière Mondonac to Barrage Mondonac; northeasterly, a straight line to the apex of the eastern angle of Canton de Sincennes, that line skirting the south shore of all lakes it meets; the northeastern line of the townships of Dupuis, Picard and Livernois; following the boundaries of Réserve faunique du Saint-Maurice, in general southeasterly, northerly and northeasterly directions, the southwestern shore of Lac du Fou and the left bank of the tributary of Lac du Fou to a point whose coordinates are: 5 225 850 m N and 633 700 m E; northeasterly and easterly, a broken line whose apex coordinates are: 5 225 950 m N and 634 000 m E, 5 225 500 m N and 635 300 m E, 5 225 000 m N and 635 525 m E, 5 225 700 m N and 637 450 m E, 5 225 500 m N and 638 300 m E, 5 224 475 m N and 638 325 m E, 5 224 300 m N and

638 875 m E, 5 224 850 m N and 639 500 m E, 5 224 300 m N and 640 550 m E, 5 225 200 m N and 643 550 m E and 5 224 200 m N and 644 500 m E, that is the to the right bank of Rivière Wessonneau Sud; southerly, the right bank of the said river to a westbound line whose coordinates of the point of origin are: 5 222 100 m N and 650 250 m E, that point of origin being situated on the right bank of Rivière Wessonneau; the right bank of the said river in northeasterly and easterly directions to the dividing line between the townships of Polette and Turcotte then, leaving the limits of Réserve faunique du Saint-Maurice, the right bank of Rivière Wessonneau in a general easterly direction and its extension to the centre line of Rivière Saint-Maurice; the centre line of the said river downstream to the extension of the southwestern line of Canton de Carignan; the said extension and the southwestern and southeastern lines of the said township, the latter line crossing lac Mékinac that it meets; part of the southeastern line of Canton de Pothier to the western limit of Réserve faunique de Portneuf; along the limits of the said preserve, a straight line bearing 339°15' to a point located 5.551 kilometres from the dividing line between the townships of Hackett and Lapeyrière, distance measured along the said straight line; thence, bearing 3°10', 3.138 kilometres; thence bearing 21°25', 5.873 kilometres; thence, bearing 6°15', 4.907 kilometres; thence, bearing 48°35', 3.298 kilometres; thence, bearing 344°35', 4.184 kilometres; thence, bearing 45°00', 2.816 kilometres; thence, bearing 180°40', 1.770 kilometres; thence, bearing 127°15', 4.507 kilometres; thence, bearing 179°00', 6.035 kilometres; thence, bearing 92°00', 4.184 kilometres; thence, bearing 139°50', 1.690 kilometres; thence, bearing 34°15', 3.138 kilometres; thence, bearing 116°20', 2.816 kilometres; thence, bearing 91°20' to the centre line of Rivière Batiscan; leaving the limits of Réserve faunique de Portneuf, the centre line of the said river upstream to the extension of the southeastern line of Canton de Laure; northeasterly, the said extension and the southeastern line of the said township and its extension across undivided lands to its intersection with the survey line established in the field by Louis Giroux, land surveyor, in 1928 and shown on the plan deposited with the office of the surveyor general bearing designation "Exploration 98-A"; that survey line northwesterly to the northern line of Canton de Rhodes; westerly, part of the northern line of Canton de Rhodes, then the northern line of the townships of Biard, Michaux, Chaumonot and part of the northern line of Canton de Papin to a line parallel to the northeastern line of Canton d'Ingall and located 6.5 kilometres northeast of the former; that parallel line, northwesterly crossing undivided lands and

the townships of Laflamme, La Bruère, Lafitau, Baillargé, Berlinguet, Huard, Dubois and Ventadour, to the watershed line between the St. Lawrence River basin and that of Hudson Bay; the said watershed line in a general westerly direction to the extension of the northeastern line of Canton d'Ingall; the said extension northwesterly to the eastern line of Canton de Balète; finally, part of the eastern line of the said township northerly to the starting point.

The coordinates given above are expressed in metres and were graphically traced from the UTM grid NAD 27, used on the maps to a scale of 1:50 000 published by Natural Resources of Canada.

Ministère des Ressources naturelles
Office of the Surveyor General
Land Survey Division

Québec, 5 September 2002

Prepared by: _____
JEAN-FRANÇOIS BOUCHER,
Land surveyor

L-376/1

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

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