

Laws and Regulations

Volume 136

Summary

Table of Contents

Acts 2004

Regulations and other acts

Draft Regulations

Notices

Index

Legal deposit—1st Quarter 1968
Bibliothèque nationale du Québec
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Table of Contents

Page

Acts 2004

214	An Act respecting Municipalité régionale de comté de Lac-Saint-Jean-Est	2455
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Regulations and other acts

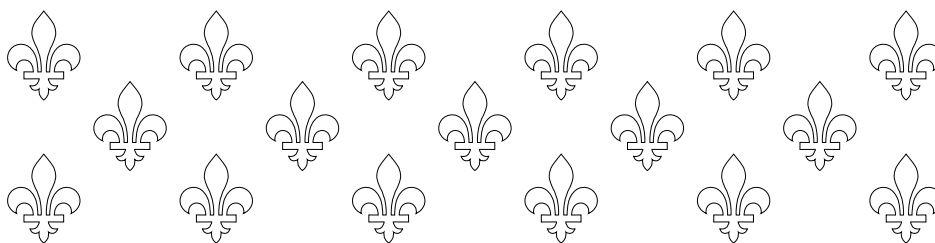
725-2004	Pension Plan of Management Personnel, An Act respecting the... — Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act	2459
726-2004	Approval of the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada	2460
732-2004	Sugar bush management in forests in the domain of the State	2466
733-2004	Wildlife habitats (Amend.)	2467
735-2004	Fees payable to the Régie de l'énergie	2469
736-2004	Annual duty payable to the Régie de l'énergie	2469

Draft Regulations

Commission des transports du Québec — Procedure	2473
Recovery and reclamation of used oils, oil or fluid containers and used filters	2474
Threatened or vulnerable plant species and their habitats	2475

Notices

Boisé-Papineau Nature Reserve — Recognition	2483
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 214

(Private)

An Act respecting Municipalité régionale de comté de Lac-Saint-Jean-Est

Introduced 27 May 2004

Passage in principle 17 June 2004

Passage 17 June 2004

Assented to 23 June 2004

**Québec Official Publisher
2004**

Bill 214

(Private)

**AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE
COMTÉ DE LAC-SAINT-JEAN-EST**

AS it is in the interest of Municipalité régionale de comté de Lac-Saint-Jean-Est that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Municipalité régionale de comté de Lac-Saint-Jean-Est may alienate, by gratuitous title, in favour of Les Papiers Soliderr inc., the immovable known and designated as lot 2 480 959 of the cadastre of Québec, with the buildings erected on that lot, bearing the civic address 800, Rue Tanguay, Alma.
- 2.** This Act comes into force on 23 June 2004.

Regulations and other acts

Gouvernement du Québec

O.C. 725-2004, 28 July 2004

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Classes of employees designated under section 23 — Amendments to the Order respecting special provisions

Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, notwithstanding any inconsistent provision of the Act, except the provisions of Chapter VIII, establish special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 960-2003 dated 17 September 2003 respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend that Order;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT this Order in Council have effect from 1 August 2003.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 23)

1. Section 16 of the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel is amended

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

“The amount established in accordance with the first paragraph on the date on which the employee ceases to be a member of the plan may not exceed the limit established under the Income Tax Act (R.S.C., 1985, chapter 1, 5th Supplement) as if the transfer was carried out at that date. In addition, the amount transferable pursuant to that paragraph may not exceed the limit established for that purpose under that Act. Where applicable, the amount that may not be transferred into a locked-in retirement account or into a registered retirement savings plan is reimbursed to the employee. In case of death, the amount transferable and, where applicable, the amount that would have been reimbursed to the employee are paid to the spouse or failing such, to the successors.”;

(2) by replacing: “Payment of the actuarial value provided for in the first paragraph gives entitlement” by “The transfer and, where applicable, the reimbursement provided for in this section give entitlement” in the fourth paragraph.

* The special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 960-2003 dated 17 September 2003 (2003, *G.O.* 2, 2963) have not been amended since they were made.

2. Section 17 is amended

(1) by inserting “and, where applicable, reimbursed” in the second paragraph after “transferred”;

(2) by replacing “until the date on which the amount is paid” by “and, where applicable, the reimbursement until the date of payment”.

6440

Gouvernement du Québec

O.C. 726-2004, 28 July 2004

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03)

Approval of the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada

WHEREAS section 68 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) authorizes the Agence nationale d'encadrement du secteur financier (the Agency) to grant recognition to a legal person, partnership or entity where it considers that the legal person, partnership or entity has the administrative structure and the financial and other resources necessary to exercise its functions and powers in an objective, fair and efficient manner;

WHEREAS, by decision 2004-PDG-0083 dated 13 July 2004, the Agency recognized the Investment Dealers Association of Canada (IDAC) as a self-regulatory organization;

WHEREAS, under section 61 of the Act, the Agency may delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, under the second paragraph of section 61, the delegation of functions and powers of the Agency shall be subject to the approval of the Government;

WHEREAS, under its decision 2004-PDG-0089 dated 27 July 2004, the Agency delegated certain functions and powers conferred on it by law to the Investment Dealers Association of Canada;

WHEREAS it is expedient to approve the delegation of functions and powers of the Agency;

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

THAT the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada under decision 2004-PDG-0089 dated 27 July 2004, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decision N° 2004-PDG-0089

Delegation of functions and powers to the Investment Dealers Association of Canada (the “IDA”)

WHEREAS on July 13, 2004, l'Agence nationale d'encadrement du secteur financier also known under the name Autorité des marchés financiers (the “AGENCY”) rendered decision n° 2004 – PDG - 0083 recognizing the Investment Dealers Association of Canada (the “IDA”) as a self-regulatory organization, in conformity with sections 59 and 60 of An Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., chapitre A-7.03) (the “ARANESF”);

WHEREAS the first paragraph of section 61 of the ARANESF allows the AGENCY to delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, in conformity with the first paragraph of section 61 of the ARANESF, the Government must give its approval to the delegation of functions and powers;

WHEREAS section 62 of the ARANESF permits the recognized organization, in this case the IDA, with the prior authorization from the AGENCY, to delegate its functions and powers to a committee formed by it or to a member of its staff;

WHEREAS section 9 of the ARANESF allows the AGENCY to delegate all or part of its inspection functions and powers to a self-regulatory organization;

WHEREAS the AGENCY considers it appropriate that functions and powers be delegated to the IDA;

WHEREAS pursuant to section 81 of the ARANESF, the recognized organization must, before rendering a decision unfavourably affecting the rights of a person, partnership or entity, give the person, partnership or entity an opportunity to present its observations;

WHEREAS pursuant to section 85 of the ARANESF, a person, partnership or other entity directly affected by a decision rendered by a recognized organization may within 30 days apply for a review of the decision by the AGENCY;

WHEREAS pursuant to section 84 of the ARANESF, a person, partnership or other entity directly affected by a decision rendered in the exercise of a power sub-delegated pursuant to section 62 may within 30 days apply for a review of the decision by the recognized organization;

THEREFORE, the AGENCY delegates to the IDA the powers listed hereafter.

1° The following functions and powers provided for in the Securities Act (R.S.Q., chapter V-1.1) (the “SA”) and the ARANESF, to the extent that they apply to brokers who are members of the IDA, their senior executives and the representatives carrying on business on their behalf:

Section	Purpose	Delegates
149 SA	To receive the representative’s application for registration;	Sub-Committee of District Council, Quebec Manager, Registration
151 SA	Register the representative;	Hearing Panel of the District Council, Quebec Sub-Committee of District Council, Quebec Manager, Registration
151.1 SA	Make an inspection of the affairs of a dealer in order to ascertain the extent to which he complies with the ARANESF, the SA, the Securities Regulation (enacted by decree N° 660-83 dated March 30, 1983) (the “Regulation”) as well as the other regulations adopted pursuant to the SA or presumed to be in conformity with section 100 of An Act to amend the Securities Act (S.Q. 2001, c. 38) (hereinafter collectively the “Regulations”) and the policy statements;	Vice President, Quebec Director, Member Regulation Manager, Sales Compliance Manager, Financial Compliance
153 SA	Receive the representative’s surrender application; Surrender the registration at the request of the representative; Impose conditions on the surrender;	Appeal Panel Hearing Panel of the District Council, Quebec Manager, Registration
159 SA	Receive the notice of change; Authorize any change in the information furnished at the time of registration; Object to the notice of change; If it objects, prescribe what is to be done;	Vice President, Quebec Director, Member Regulation Manager, Registration

Section	Purpose	Delegates
237 SA	Require a registrant to submit any document or information it considers expedient for the discharge of its functions in connection with the exercise by IDA of the powers conferred upon it by this decision;	Vice President, Quebec Director, Member Regulation Manager, Sales Compliance Manager, Financial Compliance Manager, Registration
237 SA	Require the confirmation by affidavit of the authenticity or veracity of submitted documents or information in connection with the exercise by IDA of the powers conferred upon it by this decision;	Vice President, Quebec Director, Member Regulation Investigators, Enforcement Counsel, Enforcement
238 SA	Require any registrant or any senior executive or employee thereof to submit to examination under oath;	Vice President, Quebec Director, Member Regulation Investigators, Enforcement
320.1 SA	Request the homologation of an IDA decision by the Superior Court or the Court of Québec, according to their respective jurisdictions, at the expiry of the time prescribed for applying for a review of the decision before the Bureau de révision et de décision en valeurs mobilières;	Vice President, Quebec Director, Member Regulation Counsel, Enforcement
9 ARANESF	Designate any person who is a staff member to carry out an inspection;	Vice President, Quebec Director, Member Regulation

2° The following powers resulting from the application of the Regulation or the application of the following provisions of the Regulation, to the extent that they apply to brokers who are members of the IDA, their senior executives and the representatives carrying on business on their behalf:

Section	Purpose	Delegates
202	<p>Receive notice from a securities dealer who has engaged a representative who had ceased his activity;</p> <p>Render the decision authorizing a representative to move from a dealer with a restricted practice to a discount broker or an unrestricted practice dealer;</p> <p>Render the decision authorizing a representative to move from a discount broker to an unrestricted practice dealer;</p> <p>Automatically cancel the registration of the representative when he has ceased his activity for more than six months;</p>	<p>District Council, Quebec</p> <p>Approval Committee</p> <p>Manager, Registration</p>
205	<p>Determine whether the professional training of the person applying for registration is adequate;</p> <p>Determine whether the person who wishes to carry out the duties of a senior executive possesses the knowledge and experience which would adequately prepare him for his duties;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>
225	<p>Receive notice from a dealer within ten days of:</p> <ul style="list-style-type: none"> • The change of address of any of its establishments; • The end of the term of office of a director; • The termination of employment of a representative and the reason therefor; • The termination of duties of a senior executive; 	<p>Director, Member Regulation</p> <p>Manager, Registration</p>
225	<p>Receive notice from a dealer within ten days of the change in the ending date of a financial year;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Financial Compliance</p>
226	<p>Receive notice from a dealer within ten days of the opening or closing of an establishment located in Quebec and the appointment of a representative to be in charge of an establishment;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>

Section	Purpose	Delegates
227	Receive notice from a representative or an officer within ten days of: <ul style="list-style-type: none">• A change of address;• The termination of his employment;• A petition in bankruptcy or declaration in bankruptcy;• An assignment of its property;• An indictment regarding a criminal or an infraction to a fiscal law, and the judgement rendered with regards to that indictment or the guilty plea in response to that indictment;• One or many civil proceedings instituted against him for an aggregate amount greater than \$50,000;• Disciplinary measures instituted against him or a penalty imposed by a self-regulatory organization or a securities regulatory authority;	Vice President, Quebec Director, Member Regulation Manager, Registration
228	Receive notice from a dealer and give its approval as prescribed by the second paragraph of section 159 of the SA in the following circumstances: <ul style="list-style-type: none">• Appointment of an officer;• Appointment of a director;• Appointment of a new officer responsible for the principal establishment in Quebec;• End of office of a senior executive in charge of the principal office in Quebec;	Vice President, Quebec Director, Member Regulation Manager, Registration
228.1	Receive the notice and the required form;	Director, Member Regulation Manager, Registration

FURTHERMORE, the AGENCY delegates to the District Council or to the Sub-Committee of the District Council, to the Hearing Panel of the District Council the function and power to exempt an applicant for registration from the requirements provided for in sections 35, 40, 42, 43, 45 and 53 of the Policy Statement n° Q-9 – Dealers, Advisers and Representatives [B.C.V.M.Q., 1994-10-07, Vol. XXV, n° 40, 3-38] (Decision n° 1994-C-0395 of October 5, 1994) as modified or replaced (the “Policy Statement N° Q-9”);

IN ADDITION, the AGENCY authorizes the IDA, pursuant to section 62 of the ARANESF, to delegate to committees formed by it or to members of its staff and who are enumerated hereinabove the functions and powers that it has been delegated.

The present decision is subject to the controls of the AGENCY as provided for in the SA and the ARANESF as well as to the following conditions:

— Despite the fact that the power to make an inspection provided for in section 151.1 of the SA has been delegated to the IDA pursuant to this decision by the AGENCY, the latter may still exercise such power;

— The exchange of information between the AGENCY and the IDA in connection with the present delegation of powers to the IDA must be done in accordance with the provisions of An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) and sections 296, 297 and 297.1 of the SA;

— The AGENCY shall have access at all times to all the documentation held by the IDA in the exercise of the powers conferred upon it by this decision;

— The IDA shall send to the AGENCY, upon receipt, the fees payable relating to the exercise of the powers delegated under this decision and prescribed by the Regulation;

— The IDA ensures itself that the applicant fulfills the conditions established in the Regulations or the policy statements by checking the information provided in the application form prescribed by sections 195 or 197 of the Regulation, with the AGENCY agreeing to supply the IDA with the forms prescribed by the Regulations or the policy statements;

— The IDA shall exercise its delegated powers with regard to the registration of representatives through the National Registration Database (the “NRD”) at such times as the AGENCY instructs it to do so;

— The IDA immediately send the AGENCY any application for exemption from a requirement prescribed by the SA, the ARANESF, the Regulation or Policy Statement n° Q-9, with the exception of those which are set out in this decision, along with the fees provided by the Regulation;

— The AGENCY assists the IDA to ensure itself that the applicant has the integrity required for the protection of investors;

— The IDA sends to the Surintendante, Direction de l’encadrement de la distribution of the AGENCY the decisions made in exercising a power delegated in accordance with this decision, within ten working days of the date the decision was made and according to the modalities determined by the AGENCY;

— When the IDA renders the decisions referred to in the previous paragraph and said decisions provide for conditions and restrictions, the IDA shall also send them to the Directeur des pratiques de distribution of the AGENCY in an electronic format according to the modalities determined by the AGENCY;

— The decisions made in exercising a delegated power shall also comply with the provisions of the Politique linguistique of the AGENCY taking into account the necessary adaptations;

— The IDA shall keep a record of complaints it receives respective representatives of members, members and their senior executives as well as a file for each complaint which shall contain information on the nature of the complaint, the findings and the measures taken;

— The IDA shall ensure the constant updating of the AGENCY’s computer database with respect to the information collected by the IDA in connection with the exercise of the powers conferred upon it by this decision, within ten working days of the date on which the decisions are made or the information is received by the IDA according to the modalities determined by the AGENCY;

— The IDA can renounce, in whole or in part, to the delegation by giving a prior notice of at least six months to the AGENCY, the AGENCY recognizing that such a notice is sufficient to protect registrants and investors and undertaking to authorize such a renunciation on this condition or on any other condition that it deems necessary.

The Vice-president, Quebec of the IDA and the Surintendante, Direction de l'encadrement de la distribution of the AGENCY shall be responsible of the implementation of this decision.

This decision to delegate functions and powers replace decision N° 2004-PDG-0084 rendered on July 13, 2004 and will enter into force when it receives approval by the Government or at any other date which it chooses.

Executed July 27, 2004.

JEAN ST-GELAIS,
Président-directeur général

6441

Gouvernement du Québec

O.C. 732-2004, 28 July 2004

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

Sugar bush

— Management in the domain of the State

Regulation respecting sugar bush management in forests in the domain of the State

WHEREAS, under subparagraphs 5, 5.1 and 19 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation,

(1) prescribe the information which an applicant for a sugar bush management permit must provide to the Minister and the rules the permit holder must observe when tapping maples and carrying on other forest management activities in the sugar bush;

(2) prescribe the form and content of the progress report to be submitted to the Minister by the holder of a sugar bush management permit for acericultural purposes, and the time at which the report must be submitted;

(3) prescribe which of the regulations under this section carry a penalty pursuant to section 181 of the Forest Act in the event of contravention;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting sugar bush management in forests in

the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been received on the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting sugar bush management in forests in the domain of the State, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting sugar bush management in forests in the domain of the State

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 5, 5.1 and 19)

1. A person applying for a permit to manage a sugar bush in a forest in the domain of the State must furnish the information required by subparagraphs 2 and 3 of the first paragraph of section 13 of the Forest Act (R.S.Q., c. F-4.1).

2. No holder of a sugar bush management permit may erect or install buildings in a sugar bush other than buildings necessary for the management of the sugar bush. The holder may use the buildings solely for the collection and processing of sap.

3. A permit holder must comply with the following conditions when tapping maple trees:

(1) maple trees may be tapped once a year only, between 1 January and 30 April;

(2) only maple trees at least 20 centimetres in diameter at 1.30 metres above the highest ground level may be tapped;

(3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, as follows:

Diameter of maple tree at 1.30 metres above ground	Maximum number of tapholes
20 to 39 centimetres	1
40 to 59 centimetres	2
60 to 79 centimetres	3
80 centimetres and over	4

Where two or more tapholes are drilled, they must be positioned evenly around the tree;

(4) the taphole must be drilled using a bit not more than 11 millimetres in diameter and must not be more than 6 centimetres deep, including bark thickness;

(5) no control product may be inserted into a taphole unless the control product has been registered under the Pest Control Products Act (R.S.C., 1985, c. P-9);

(6) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

(7) tubing must be installed, replaced and maintained without damage to the trees; and

(8) all worn or unused material must be recovered and disposed of in such a manner as to ensure the premises are kept clean.

4. A permit holder must, as soon as possible after the permit has been issued, visibly mark off the boundaries of the sugar bush without damaging the trees, and maintain the boundary markings.

5. A permit holder must make and submit an annual report to the Minister on the activities carried on by the holder.

The first part of the report must be submitted at the latest on 1 June and indicate

(1) the number of tapholes drilled during the period determined in section 3; and

(2) the quantity of maple syrup produced from the volume of sap harvested during the sugaring season or, if the sap is not processed on the premises, the volume of sap harvested.

The second part of the report must be submitted at the latest on 31 December and contain

(1) a statement of the forest management activities carried out during the year;

(2) the volume of round timber harvested in the sugar bush in connection with the carrying on of forest management activities, by species or group of species, quality and destination; and

(3) the information required under the second paragraph of section 16.1 of the Forest Act if the permit holder holds an authorization issued under section 14.1 of the Act.

6. A permit holder who contravenes any of the provisions of sections 2 to 4 is guilty of an offence punishable as set out in section 181 of the Forest Act as it existed prior to 27 June 2001, as provided in section 185 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6).

7. This Regulation replaces the Regulation respecting sugar bush management permits in the domain of the State, made by Order in Council 1889-89 dated 6 December 1989.

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

6442

Gouvernement du Québec

O.C. 733-2004, 28 July 2004

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

Wildlife habitats — Amendments

Regulation to amend the Regulation respecting wildlife habitats

WHEREAS, under paragraphs 1 and 2 of section 128.18 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the various matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting wildlife habitats attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 12 November 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting wildlife habitats without amendment;

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

THAT the Regulation to amend the Regulation respecting wildlife habitats, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife habitats*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 128.18, pars. 1 and 2)

1. Section 1 of the Regulation respecting wildlife habitats is amended

(1) by inserting “, 7 as regards any other territory under water”, after “population” in the part preceding paragraph 1;

(2) by inserting “measured along a straight line drawn between the two most distant points on the shoreline” after “shoreline” in paragraph 1;

(3) by replacing “of a watercourse, frequented by fish;” in paragraph 7 by “or a watercourse, frequented by fish, including the St. Lawrence River and its estuary or any other territory under water situated in the Gulf of St. Lawrence or the Baie des Chaleurs and demarcated on a chart prepared by the Minister;”.

2. Section 8 is amended by adding the following paragraph at the end:

“A person may operate a machine used for a forest management activity in a fish habitat in the cases and on the conditions provided for in section 28 of the Forest Act.”.

3. Section 20 is replaced by the following:

“**20.** The prohibition set out in section 128.6 does not apply to a person who, in a fish habitat, carries out work necessary for the operation of a dam, built in accordance with the law, in particular work related to its maintenance and monitoring, except work carried out for the primary purpose of removing sediment accumulated in the reservoir.”.

4. Section 28 is revoked.

5. Section 46 is replaced by the following:

“**46.** The prohibition set out in section 128.6 of the Act respecting the conservation and development of wildlife to carry on an activity in a wildlife habitat that may alter a biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on an activity as part of a project referred to in Schedule A to the Environment Quality Act or a project for which a certificate of authorization has been issued by the Minister under paragraph *a* of section 154 or paragraph *a* of section 189 of that Act, except in the habitat of a threatened or vulnerable wildlife species.”.

6. Section 48 is revoked.

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

6443

* The Regulation respecting wildlife habitats, made by Order in Council 905-93 dated 22 June 1993 (1993, *G.O.* 2, 3536), was last amended by the regulation made by Order in Council 951-2001 dated 23 August 2001 (2001, *G.O.* 2, 4852). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

Gouvernement du Québec

O.C. 735-2004, 28 July 2004

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01 ; 2000, c. 22)

Régie de l'énergie — Fees payable

Regulation respecting the fees payable to the Régie de l'énergie

WHEREAS, under subparagraph 2 of the first paragraph and the second paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), amended by section 50 of chapter 22 of the Statutes of 2000, the Government may make regulations determining the fees payable for the examination of an application submitted to the Régie;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the fees payable to the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 7 April 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received on the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the fees payable to the Régie de l'énergie, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the fees payable to the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2, and 2nd par. ; 2000, c. 22, s. 50, par. 2)

1. The fees payable for an application referred to in section 94 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) are \$30.

2. The fees payable for an application, other than an application referred to in section 94 of the Act, submitted by a person other than an electric power carrier or a distributor subject to the payment of a duty under a regulation, are \$500.

3. This Regulation replaces the Regulation respecting the fees payable to the Régie de l'énergie made by Order in Council 52-98 dated 14 January 1998.

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

6444

Gouvernement du Québec

O.C. 736-2004, 28 July 2004

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01 ; 2000, c. 22)

Régie de l'énergie — Annual duty payable

Regulation respecting the annual duty payable to the Régie de l'énergie

WHEREAS, under subparagraph 1 of the first paragraph and the second paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), amended by section 50 of chapter 22 of the Statutes of 2000, the Government may make regulations determining the rates of the duty payable each year to the Régie by the electric power carrier or by a distributor, the terms and conditions of payment thereof and the interest rate on overdue amounts;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the annual duty payable to the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 7 April 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments on the draft Regulation were received;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the annual duty payable to the Régie de l'énergie du Québec, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the annual duty payable to the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar.1 and 2nd par.; 2000, c. 22, s. 50, par. 1)

1. The rates of duty payable by the distributors for the fiscal year ending 31 March 2005 and for each subsequent fiscal year are determined by dividing, for each form of energy, the adjusted expenditure estimates of the Régie de l'énergie by

(1) the sum of the volumes of electric power distributed by each electric power distributor during its preceding fiscal year, including the volumes delivered to customers at voltages of 44 kV or higher, excluding the volumes of electric power sold to another electric power distributor;

(2) the sum of the volumes of natural gas transmitted and the volumes delivered by each natural gas distributor during its preceding fiscal year;

(3) the sum of the volumes of gasoline and diesel fuel intended for Québec markets that are refined in Québec, traded with a refiner in Québec or brought into Québec by each petroleum products distributor subject to payment of the duty during its preceding fiscal year. That sum excludes the volumes of gasoline and diesel fuel for which the duty must be paid by another distributor;

(4) the sum of the volumes of steam distributed by pipes for heating purposes by each steam distributor during its preceding fiscal year.

For the purposes of the first paragraph, the adjusted expenditure estimates correspond to the difference, for each form of energy, between the expenditure estimates of the Régie as relate to the distributors, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the distributors at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

The duty payable by each distributor of a form of energy is the product of the rate multiplied by the volumes referred to in the first paragraph attributable to the distributor.

2. The annual duty payable by the electric power carrier for the fiscal year ending 31 March 2005 and for each subsequent fiscal year corresponds to the adjusted expenditure estimates of the Régie in that regard.

For the purposes of the first paragraph, the adjusted expenditure estimates correspond to the difference between the expenditure estimates of the Régie as relate to the electric power carrier, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the electric power carrier at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

3. For the purposes of sections 1 and 2,

(1) the expenditure estimates of the Régie as relate to the electric power carrier and the electric power distributors for the 2004-2005 fiscal year correspond respectively to 40% and 60% of the 2004-2005 expenditure estimates of the Régie approved by the Government for electric power; and

(2) the accumulated surplus as relates to the distributors at 31 March 2004, for each form of energy, corresponds to the sum of the accumulated surplus at 31 March 2003, for each form of energy, presented as supplementary information to the audited financial statements of the Régie, and the amount by which revenues exceed expenditures for the 2003-2004 fiscal year, for each form of energy, presented as supplementary information to the audited financial statements of the Régie.

4. The duty payable by the electric power or natural gas distributors and by the electric power carrier is payable in equal instalments on the first day of each month.

The monthly instalments continue to apply until the last day of the month during which the expenditure estimates are adjusted as provided in the second paragraph of sections 1 and 2. Any overpayment of or amount owing on the duty payable to the Régie for the fiscal year shall be equally apportioned over the remaining monthly instalments.

The annual duty payable by petroleum products or steam distributors is payable in one instalment on the first day of the month following the month in which the expenditure estimates are adjusted as provided in the second paragraph of section 1.

5. Distributors of petroleum products other than distributors that refine in Québec, trade with a refiner in Québec or bring into Québec more than one hundred million litres of gasoline or diesel fuel per year intended for Québec markets are exempt from the application of this Regulation.

6. Any outstanding amount on the duty bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31). The interest is compounded monthly.

7. This Regulation replaces the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie made by Order in Council 383-98 dated 25 March 1998.

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

Draft Regulations

Draft Regulation

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

Commission des transports du Québec — Procedure — 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 procedure of the Commission des transports du Québec, the text of which appears below, may be adopted by the Commission des transports du Québec upon the expiry of a period of 45 days from this publication.

These amendments concern the electronic transmission of documents to the Commission, the means of recording of the hearings of the Commission and applications for route changes in the case of urban or intercity transportation by bus. They propose that secure electronic document transmission be authorized and specify that the hearings of the Commission may be recorded by any existing means of recording. They provide that applications for route changes may be the object of an application for a change of permit with publication, hearing and decision of the Commission.

Additional information may be obtained regarding this Regulation by contacting M^e Christian Daneau, Secretary and Director of Legal and Secretarial Services, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1, by phone at (514) 873-6304 or by fax at (514) 873-5947.

Any person who has comments regarding this matter is requested to forward them in writing, before this time limit expires, to M^e Christian Daneau, Secretary and Director of Legal and Secretarial Services, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1. These comments will be analyzed by the Commission des transports du Québec.

*The Chair of the Commission
des transports du Québec,*
NICOLE POUPART

Regulation to amend the Regulation respecting the procedure of the Commission des transports du Québec*

Transport Act
(R.S.Q., c. T-12, s. 48)

1. Section 15 of the Regulation respecting the procedure of the Commission des transports du Québec, adopted according to a Notice of Adoption published in the *Gazette officielle du Québec* on November 11, 1998, is replaced as follows:

“**15.** Any application addressed to the Commission shall be transmitted to it at its Québec or Montréal offices or at any other address it designates, by means of the prescribed forms, as the case may be, and be accompanied by the payment of the applicable fees and duties.”.

2. Section 16 of this Regulation is replaced as follows:

“**16.** The Commission, on the conditions it determines, may authorize a person who must transmit any document to it, among others any application, document in support of an application or form, to communicate it to the Commission by means of any medium making use of information technology.”.

3. This Regulation is amended by the insertion, after Section 16, of the following:

“**16.1** An intelligible written transcript of the data the Commission has stored on any medium making use of information technology shall be part of its documents and shall prove its content when it is certified to be true by an authorized person.

In the case of data which has been communicated to it pursuant to section 16, the transcript may only be valid if it faithfully reproduces these data.”.

* The Regulation respecting the procedure of the Commission des transports du Québec was adopted by the Commission on October 19, 1998 (1998, *G.O.* 2, 6006). It was amended by the Regulation published on February 9, 2000 (2000, *G.O.* 2, 1025) and by the Regulation published on January 3, 2002 (2002, *G.O.* 2, 169).

4. Section 18 of this Regulation is amended:

(1) by the replacement of subsection (1) as follows:

“(1) the application for a permit or for a change, maintenance or transfer of permit and the application for a route change:”;

(2) by the replacement of subsection (9) as follows:

“(9) in the case of urban or intercity transportation by bus, the filing of a change of schedule or frequency when treated as an application, in accordance with section 22;”.

5. Section 22 of this Regulation is amended by the replacement of the first paragraph as follows:

“In the case of transportation by bus, the change of schedule or frequency, which will have been posted for 10 consecutive days in the applicant’s buses prior to its filing, shall come into force on the 15th day following the date of its filing at the Commission or on any later date indicated by the applicant.”.

6. Section 40 of this Regulation is amended by the replacement of the first paragraph as follows:

“The Commission may record the observations presented at a hearing according to the means of recording of its choice. The recording shall be part of the file.”.

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

6447

Draft Regulation

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

Recovery and reclamation of used oils, oil or fluid containers and used filters — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation to amend the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to ensure that the scope of the recovery and reclamation requirements for used oils includes all used oils of the same nature, regardless of the container in which the oils were initially marketed.

The removal of the reference to the type of container will facilitate the application of the Regulation: in practice, it is often impossible on recovery to distinguish the size of the container in which the used oil was initially marketed. The reference to the type of container may therefore impede the activities of the organizations in the recovery and reclamation sectors. For the businesses concerned, the proposed amendment will lower the costs associated with implementation of the Regulation to the level calculated at the time the original draft Regulation was published, the reference to the type of container having been introduced subsequently. The proposed amendment would be advisable in terms of recovery and reclamation targets, as well as for economic and practical reasons.

Further information may be obtained by contacting Madeleine Caron, Direction des politiques en milieu terrestre, Ministère de l’Environnement, Édifice Marie-Guyart, 9^e étage, boîte postale 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: (418) 521-3950, extension 4966; fax: (418) 644-3386; e-mail: madeleine.caron@menv.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 60-day period, to the Minister of the Environment, Édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,
Minister of the Environment

Regulation to amend the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters*

Environment Quality Act
(R.S.Q., c. Q-2, s. 53.30)

1. The Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters is amended by striking out “that are marketed in containers of 50 litres or less and that are” after “vegetable oils” in the first sentence of section 2.

* The Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters was made by Order in Council 166-2004 dated 10 March 2004 (2004, *G.O.* 2, 1125) and has not been amended since.

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

6438

Draft Regulation

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

Threatened or vulnerable plant species and their habitats

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting threatened or vulnerable plant species and their habitats, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation designates 14 new species as threatened, in addition to the 29 already so designated. The new designations are: butterfly weed, Indian's dream, white wood aster, wall-rue, lizard's tail, slender muhly, soft-hair marble-seed, cork elm, pitch pine, woodland pinedrops, round-leaf ragwort, Provancher's fleabane, narrow-leaf vervain and blunt-lobed woodsia.

The draft Regulation designates 11 new species as vulnerable, in addition to the 5 already so designated. The new designations are: maidenhair fern, Canadian wild ginger, crinkleroot, large toothwort, false mermaidweed, Canada lily, ostrich fern, bloodroot, white trillium, large-flowered bellwort and marsh valerian.

Lastly, the draft Regulation designates 36 new plant habitats in addition to those already designated with a view to protecting 8 of the new species to be designated and 12 species already so designated. The habitats are found in 10 different administrative regions, namely the Bas-Saint-Laurent, Capitale-Nationale, Centre-du-Québec, Chaudières-Appalaches, Côte-Nord, Estrie, Gaspésie-Îles-de-la-Madeleine, Laurentides, Laval and Montérégie. A chart prepared by the Minister of the Environment will be available for some of the habitats following the publication of a notice in the *Gazette officielle du Québec* in accordance with section 13 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01).

Further information may be obtained by contacting:

Léopold Gaudreau, Director
Direction du patrimoine écologique et du développement durable
Ministère de l'Environnement
Édifice Marie-Guyart, 4^e étage, boîte 21
675, boulevard René-Lévesque Est
Québec (Québec) G1R 5V7

Telephone: (418) 521-3907, ext. 4783

Fax: (418) 646-6169

Email: leopold.gaudreau@menv.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 the Direction du patrimoine écologique et du développement durable of the Ministère de l'Environnement at the above address.

THOMAS J. MULCAIR,
Minister of the Environment

PIERRE CORBEIL,
*Minister of Natural
Resources,
Wildlife and Parks*

Regulation respecting threatened or vulnerable plant species and their habitats

An Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01, s. 10, s. 16, 2nd par., subpar. 1 and s. 39, 1st par., subpars. 1 and 3, and 2nd par; 2004, c. 11, s. 70)

DIVISION I

THREATENED PLANT SPECIES

1. The following are designated as threatened plant species:

— putty-root (*Aplectrum hyemale* (Muhlenberg ex Willdenow) Nuttall);

— green dragon (*Arisaema dracontium* (Linnaeus) Schott);

— Griscom's arnica (*Arnica griscomii* Fernald subsp. *griscomii*);

— butterfly weed (*Asclepias tuberosa* (Linnaeus) var. *interior* (Woodson) Shinnery);

- Indian's dream (*Aspidotis densa* (Brackenridge in Wilkes) Lellinger);
- white wood aster (*Eurybia divaricata* (Linnaeus) Nesom);
- Anticosti aster (*Symphyotrichum anticostense* (Fernald) Nesom);
- Gulf of St. Lawrence aster (*Symphyotrichum laurentianum* (Fernald) Nesom);
- Fernald's milk-vetch (*Astragalus robbinsii* (Oakes) A. Gray var. *fernaldii* (Rydberg) Barneby);
- American alpine lady-fern (*Athyrium alpestre* (Hoppe) Clairville subsp. *americanum* (Butters) Lellinger);
- false hop sedge (*Carex lupuliformis* Sartwell);
- American water-willow (*Justicia americana* (Linnaeus) M. Vahl);
- meadow thistle (*Cirsium scariosum* Nuttall);
- Victorin's water-hemlock (*Cicuta maculata* Linnaeus var. *victorinii* (Fernald) Boivin);
- autumn coral-root (*Corallorhiza odontorhiza* (Willdenow) Poirer var. *pringlei* (Greenman) Freudenstein);
- broom crowberry (*Corema conradii* (Torrey) Torrey);
- sparrow's-egg lady's-slipper (*Cypripedium passerinum* Richardson);
- wall-rue (*Asplenium ruta-muraria* Linnaeus);
- Parker's pipewort (*Eriocaulon parkeri* B.L. Robinson);
- dwarf huckleberry (*Gaylussacia dumosa* (Andrews) Torrey & A. Gray var. *bigeloviana* Fernald);
- Macoun's fringed gentian (*Gentianopsis procera* (Th. Holm) Ma subsp. *macounii* (Th. Holm) Iltis var. *macounii*) where it grows in the territory of Municipalité régionale de comté de Bonaventure;
- Victorin's gentian (*Gentianopsis procera* (Th. Holm) Ma subsp. *macounii* (Th. Holm) Iltis var. *victorinii* (Fernald) Iltis);
- American ginseng (*Panax quinquefolius* Linnaeus) as regards its wild populations;
- lizard's tail (*Saururus cernuus* Linnaeus);
- serpentine stitchwort (*Minuartia marcescens* (Fernald) House);
- slender muhly (*Muhlenbergia tenuiflora* (Willdenow) Britton, Sterns and Poggenburg var. *tenuiflora*);
- soft-hair marble-seed (*Onosmodium bejariense* A. de Candolle var. *hispidissimum* (Mackenzie) B.L. Turner);
- cork elm (*Ulmus thomasi* Sargent);
- broad beech fern (*Phegopteris hexagonoptera* (Michaux) Fée);
- pitch pine (*Pinus rigida* P. Miller);
- May apple (*Podophyllum peltatum* Linnaeus);
- Van Brunt's Jacob's ladder (*Polemonium vanbruntiae* Britton);
- mountain holly fern (*Polystichum scopulinum* (D.C. Eaton) Maxon);
- woodland pinedrops (*Pterospora andromedea* Nuttall);
- hooded arrowhead (*Sagittaria montevidensis* Chamisso & Schlechtendal subsp. *spongiosa* (Engelmann) C. Bogin);
- green-scaled willow (*Salix chlorolepis* Fernald);
- round-leaf ragwort (*Packera obovata* (Muhlenberg ex Willdenow) W.A. Weber and A. Löve);
- dwarf arctic ragwort (*Packera cymbalaria* (Pursh) W.A. Weber);
- bog fern (*Thelypteris simulata* (Davenport) Nieuwland);
- Mt. Albert goldenrod (*Solidago simplex* Kunth subsp. *simplex* var. *chlorolepis* (Fernald) Ringius);
- Provancher's fleabane (*Erigeron philadelphicus* Linnaeus subsp. *provancheri* (Victorin and Rousseau) J.K. Morton);

- narrow-leaf vervain (*Verbena simplex* Lehmann);
- blunt-lobed woodsia (*Woodsia obtusa* (Sprengel) Torrey subsp. *obtusa*).

DIVISION II

VULNERABLE PLANT SPECIES

2. The following are designated as vulnerable plant species:

- maidenhair fern (*Adiantum pedatum* Linnaeus);
- wild leek (*Allium tricoccum* Aiton var. *tricoccum* and *Allium tricoccum* Aiton var. *burdickii* Hanes);
- Canadian wild ginger (*Asarum canadense* Linnaeus);
- crinkleroot (*Cardamine diphylla* (Michaux) A. Wood);
- large toothwort (*Cardamine maxima* (Nuttall) A. Wood);
- ram's-head lady's-slipper (*Cypripedium arietinum* R. Brown);
- false mermaidweed (*Floerkea proserpinacoides* Willdenow);
- woodland sunflower (*Helianthus divaricatus* Linnaeus);
- Canada lily (*Lilium canadense* Linnaeus);
- ostrich fern (*Matteuccia struthiopteris* (Linnaeus) Todaro);
- Douglas' knotweed (*Polygonum douglasii* E.L. Greene subsp. *douglasii*);
- bloodroot (*Sanguinaria canadensis* Linnaeus);
- fragrant sumac (*Rhus aromatica* Aiton var. *aromatica*);
- white trillium (*Trillium grandiflorum* (Michaux) Salisbury);
- large-flowered bellwort (*Uvularia grandiflora* J.E. Smith);
- marsh valerian (*Valeriana uliginosa* (Torrey and A. Gray) Rydberg ex Britton).

3. Despite the first paragraph of section 16 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), a person may have wild leek (*Allium tricoccum* var. *tricoccum* and *Allium tricoccum* var. *burdickii*) in his or her possession outside its natural environment or may harvest it for the purposes of personal consumption in an annual quantity not exceeding 200 grams of any of its parts or a maximum of 50 bulbs or 50 plants, provided that those activities do not take place in

- a park within the meaning of the Parks Act (R.S.Q., c. P-9);

- an ecological reserve, biodiversity reserve, aquatic reserve or man-made landscape within the meaning of the Natural Heritage Conservation Act (chapter C-61.01);

- a wildlife preserve within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

- a site acquired under section 8 of the Act respecting threatened or vulnerable species;

- a regional park within the meaning of article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1) located on lands in the domain of the State;

- the Boisé-de-Marly plant habitat provided for in section 4; or

- any of the following parks listed in Schedule D to the Charter of Ville de Montréal (R.S.Q., c. C-11.4), as introduced by section 49 of chapter 28 of the Statutes of 2003:

- ☐ Parc du Mont-Royal;
- ☐ Parc de l'Anse-à-l'Orme;
- ☐ Parc du Cap-Saint-Jacques;
- ☐ Parc du Bois-de-l'Île-Bizard;
- ☐ Parc du Bois-de-Liesse;
- ☐ Parc de l'Île-de-la-Visitation;
- ☐ Parc de la Pointe-aux-Prairies;
- ☐ Parc du Bois-de-Saraguay.

The prohibitions referred to in section 16 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) do not apply to the following vulnerable species: maidenhair fern, Canadian wild ginger, crinkleroot, large toothwort, Canada lily, ostrich fern, bloodroot, white trillium and large-flowered bellwort, except as regards the annual harvest in the natural environment of more than five whole specimens of any of those species or as regards the commerce of any whole specimen harvested in the natural environment.

DIVISION III PLANT HABITATS

4. The following are plant habitats of threatened species and vulnerable species:

Abitibi-Témiscamingue

— the Île-Brisseau plant habitat;

The habitat corresponds to a place known and designated as “Île-Brisseau” on lake Témiscamingue, in the territory of Municipalité de Duhamel-Ouest, Municipalité régionale de comté de Témiscamingue;

Bas-Saint-Laurent

— the Mont-Fortin plant habitat;

The habitat corresponds to the ledges, rock faces and colluvium on the steep slopes of the schist cliffs of Mont Fortin in the Fernald ecological reserve, in an unorganized territory of Municipalité régionale de comté de Matane;

— the Mont-Logan plant habitat;

The habitat corresponds to the large arête on Mont Logan and the prairies, snow beds and stream banks of the subalpine and alpine belts of the Mont Logan area Pease basin, as well as the ledges, rock faces and colluvium on the steep slopes of Mont Griscom in Parc national de la Gaspésie, in an unorganized territory of Municipalité régionale de comté de Matane;

— the Mont-Matawees plant habitat;

The habitat corresponds to the arêtes, ravines and ledges of the schist cliffs of Mont Matawees in the Fernald ecological reserve, in an unorganized territory of Municipalité régionale de comté de Matane;

— the Premier-Lac-des-Îles plant habitat;

The habitat corresponds to the Premier lac des Îles sector situated in Parc national de la Gaspésie, in an unorganized territory of Municipalité régionale de comté de Matane;

— the Tourbière-de-Lac-Casault plant habitat;

The habitat corresponds to an open black spruce-tamarack-sphagnum forest in the township of La Vérendrye, in an unorganized territory of Municipalité régionale de comté de La Matapédia. The habitat is demarcated on a chart prepared by the Minister;

— the Tourbière-de-Saint-Valérien plant habitat;

The habitat is a cedar-black spruce-alder forest, in the territory of Municipalité de la paroisse de Saint-Valérien, Municipalité régionale de comté de Rimouski-Neigette. The habitat is demarcated on a chart prepared by the Minister;

Capitale-Nationale

— the Boisé-de-Marly plant habitat;

The habitat corresponds to the Marly wooded area, in the territory of Municipalité de la ville de Québec (Sainte-Foy), Communauté métropolitaine de Québec, and comprising parts of lots 1 406 540, 1 660 355 and 1 660 358, cadastre of Québec;

— the Marches-Naturelles plant habitat;

The habitat corresponds to the bed and littoral of the Montmorency river, up to the natural high-water mark, between the Des Marches-Naturelles dam and the Route 360 bridge, in the territory of Municipalité de Boischatel, Municipalité régionale de comté de La Côte-de-Beaupré. The habitat is demarcated on a chart prepared by the Minister;

— the Parc-de-la-Plage-Jacques-Cartier plant habitat;

The habitat corresponds to a 6,000-square-metre quadrilateral on a section of the rocky cliffs of the Québec hills, in the territory of Municipalité de la ville de Québec (Sainte-Foy), Communauté métropolitaine de Québec. The quadrilateral is bounded to the north by land owned by Canadian National and to the south by a break of slope; the eastern and western limits are 20 metres and 80 metres, respectively, from the ram's-head lady's-slipper population;

— the Rives-Calcaires-du-Pont-Déry plant habitat;

The habitat corresponds to the bed and littoral of the Jacques-Cartier river, up to the natural high-water mark, between the Déry bridge and the first dam upstream from the bridge, in the territory of Municipalité de la ville de Pont-Rouge, Municipalité régionale de comté de Portneuf. The habitat is demarcated on a chart prepared by the Minister;

Centre-du-Québec

— the Grande-Clairière-de-Ham-Nord plant habitat;

The habitat corresponds to a part of lots 16 and 17 of range 9 of the official cadastre of the township of Ham, in the territory of Municipalité du canton de Ham-Nord, Municipalité régionale de comté d'Arthabaska. The habitat is demarcated on a chart prepared by the Minister;

— the Petite-Clairière-de-Ham-Nord plant habitat;

The habitat corresponds to a part of lot 16 of range 9 of the official cadastre of the township of Ham, in the territory of Municipalité du canton de Ham-Nord, Municipalité régionale de comté d'Arthabaska. The habitat is demarcated on a chart prepared by the Minister;

— the Rivière-Godefroy plant habitat;

The habitat corresponds to a 250-metre-wide strip of land in the southern part of the Léon-Provancher ecological reserve and to the northern and southern littoral of the Godefroy river, up to the natural high-water mark, between the Autoroute 30 bridge and Saint-Paul lake, in the territory of Municipalité de la ville de Bécancour, Municipalité régionale de comté de Bécancour. The habitat is demarcated on a chart prepared by the Minister;

Chaudière-Appalaches

— the Anse-Ross plant habitat;

The habitat corresponds to the intertidal zone, up to the natural high-water mark, of a place known and designated as "Anse Ross" on the shores of the St. Lawrence River, in the territory of Municipalité de la ville de Lévis (Saint-Nicolas). The habitat is demarcated on a chart prepared by the Minister;

— the Éboulis-de-Serpentine-du-Mont-Caribou plant habitat;

The habitat corresponds to an escarpment and talus on the eastern flank of Mont Caribou, within the Serpentine-de-Coleraine ecological reserve, in the territory of Municipalité de Saint-Joseph-de-Coleraine, Municipalité régionale de comté de L'Amiante. The habitat is demarcated on a chart prepared by the Minister;

— the Marais-de-l'Anse-du-Cap plant habitat;

The habitat corresponds to the intertidal zone, up to the natural high-water mark, of an area situated on either side of the mouth of the Vincelotte river on the St. Lawrence River, in the territory of Municipalité de Cap-Saint-Ignace, Municipalité régionale de comté de Montmagny. The habitat is demarcated on a chart prepared by the Minister;

— the Marais-de-l'Anse-Verte plant habitat;

The habitat corresponds to the intertidal zone, up to the natural high-water mark, of a place known and designated as "d'Anse Verte" on the shores of the St. Lawrence River, in the territory of Municipalité de la paroisse de Berthier-sur-Mer, Municipalité régionale de comté de Montmagny. The habitat is demarcated on a chart prepared by the Minister;

— the Marais-de-la-Pointe-de-La Durantaye plant habitat;

The habitat corresponds to the intertidal zone, up to the natural high-water mark, of a place known and designated as "Pointe de la Durantaye" on the shores of the St. Lawrence River, in the territory of Municipalité de Saint-Michel de Bellechasse, Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;

Côte-Nord

— the Merritt-Lyndon-Fernald plant habitat;

The habitat corresponds to escarpments to the east and to the west of Blanc-Sablon, in the territory of Municipalité de Blanc-Sablon. The habitat is demarcated on a chart prepared by the Minister;

Estrie

— the Clairière-de-Stoke plant habitat;

The habitat corresponds to a part of lot 1A of range 6 of the official cadastre of the township of Stoke, in the territory of Municipalité de Stoke, Municipalité régionale de comté du Val-Saint-François. The habitat is demarcated on a chart prepared by the Minister;

Gaspésie-Îles-de-la-Madeleine

— the Baie-du-Havre-aux-Basques plant habitat;

The habitat corresponds to a series of sites on the Îles-de-la-Madeleine between the islands Havre Aubert and Cap aux Meules on the periphery of Havre aux Basques bay. The habitat is demarcated on a chart prepared by the Minister;

— the Barachois-de-Bonaventure plant habitat;

The habitat corresponds to a series of islands that form part of the baymouth bar of the Bonaventure river, in the territory of Municipalité de la ville de Bonaventure, Municipalité régionale de comté de Bonaventure. The habitat is demarcated on a chart prepared by the Minister;

— the Barachois-de-Fatima plant habitat;

The habitat corresponds to a baymouth bar just to the north of a place known and designated as “Cap Vert” on the Îles-de-la-Madeleine, approximately 1.5 km north-east of Fatima. The habitat is demarcated on a chart prepared by the Minister;

— the Bassin-aux-Huîtres plant habitat;

The habitat corresponds to two sites on De la Grande Entrée island on the periphery of Bassin aux Huîtres on the Îles-de-la-Madeleine. The habitat is demarcated on a chart prepared by the Minister;

— the Dune-du-Nord plant habitat;

The habitat corresponds to a series of sites on the Îles-de-la-Madeleine on the south-east side of Route 199 between Aux Loups and Grosse islands at a place known and designated as “Dune du Nord.” The habitat is demarcated on a chart prepared by the Minister;

— the Falaise-du-Mont-Saint-Alban plant habitat;

The habitat corresponds to the eastern face of the limestone cliffs of Mont Saint-Alban in Forillon Park, in the territory of Municipalité de la ville de Gaspé, Municipalité régionale de comté de La Côte-de-Gaspé;

— the Marais-de-Listuguj plant habitat;

The habitat corresponds to a part of the intertidal zone, up to the natural high-water mark, of a habitat situated approximately 1 kilometre east of a place known and designated as “Pointe à Bourdeau” in the territory of Municipalité de Pointe-à-la-Croix, Municipalité régionale de comté d’Avignon. The habitat is demarcated on a chart prepared by the Minister;

— the Marais-de-la-Pointe-à-Bourdeau plant habitat;

The habitat corresponds to the intertidal zone, up to the natural high-water mark, of a habitat the greater part of which is situated to the west of a place known and designated as “Pointe à Bourdeau” in the territory of the municipalities of Ristigouche-Partie-Sud-Est and Pointe-à-la-Croix, Municipalité régionale de comté d’Avignon. The habitat is demarcated on a chart prepared by the Minister;

— the Marais-de-la-Rivière-du-Loup plant habitat;

The habitat corresponds to a part of the riparian zone and a part of the bed of a watercourse known and designated as “Rivière du Loup” in the territory of Municipalité de Pointe-à-la-Croix, Municipalité régionale de comté d’Avignon. The habitat is demarcated on a chart prepared by the Minister;

— the Montagne-de-Roche plant habitat;

The habitat corresponds to the ledges and crevices of the limestone cliffs of Montagne de Roche in Forillon Park, in the territory of Municipalité de la ville de Gaspé, Municipalité régionale de comté de La Côte-de-Gaspé;

— the Platières-de-la-Grande-Rivière plant habitat;

The habitat corresponds to the banks of the Grande-Rivière in the Gaspésie, up to the natural high-water mark, in the territory of Municipalité de la ville de Grande-Rivière, Municipalité régionale de comté de Rocher-Percé;

— the Serpentine-du-Mont-Albert plant habitat;

The habitat corresponds to the tundra vegetation growing on the serpentine plateau of Mont Albert, to the rocky serpentine slopes of the Du Diable ravine and to the east and south flanks of the mountain from an elevation of 550 metres upward, in Parc National de la Gaspésie, in an unorganized territory of Municipalité régionale de comté de La Haute-Gaspésie;

— the Sillons plant habitat;

The habitat corresponds to a series of sites on the Îles-de-la-Madeleine on either side of Route 199 on Havre aux Maisons island, in particular along the places known and designated as “les Sillons” and “la Dune du Sud.” The habitat is demarcated on a chart prepared by the Minister;

— the Tourbière-du-Lac-Maucôque plant habitat;

The habitat corresponds to a peat bog on Havre Aubert island in the Îles-de-la-Madeleine. The habitat is demarcated on a chart prepared by the Minister;

— the Tourbière-de-Mont-Albert plant habitat;

The habitat corresponds to a part of the open black spruce-tamarack-ericaceous forest along Route 198, in an unorganized territory of Municipalité régionale de comté de La Haute-Gaspésie. The habitat is demarcated on a chart prepared by the Minister;

— the Vallée-du-Cor plant habitat;

The habitat corresponds to the prairies, snow beds and stream banks of the subalpine and alpine belts of the McGerrigle mountains in Parc national de la Gaspésie, in an unorganized territory of Municipalité régionale de comté de La Haute-Gaspésie;

Lanaudière

— the Marécage-de-la-Grande-Île plant habitat;

The habitat corresponds to lots 278, 279 and 280 and a 100-metre-wide strip of land along the south-east side of lots 299 and 302 and to the part of lot 299 situated south-west of lot 300, in the Grande-Île wildlife sanctuary, in the territory of Municipalité de la paroisse de Saint-Ignace-de-Loyola, Municipalité régionale de comté de D'Autray;

— the Marécage-de-l'Île-Bouchard plant habitat;

The habitat corresponds to an area of silver maple-red ash forest approximately 1.5 hectares in size on lots 251 and 252, at the south-east tip of the largest pond forming part of "Grand Marais" on Bouchard island in the Îles de Verchères archipelago, in the territory of Municipalité de la paroisse de Saint-Sulpice, Municipalité régionale de comté de L'Assomption;

Laurentides

— the Érablière-de-la-Baie-Durand plant habitat;

The habitat corresponds to a sugar maple forest in the territory of Municipalité de Notre-Dame-du-Laus, Municipalité régionale de comté d'Antoine-Labelle;

— the Hêtraie-du-Calvaire-d'Oka plant habitat;

The habitat corresponds to the beech-red oak-sugar maple forest on the upper part of the southern slope of Colline du Calvaire d'Oka in Parc national d'Oka, in the territory of Municipalité d'Oka, Municipalité régionale de comté de Deux-Montagnes;

— the Marais-de-l'Île-des-Juifs plant habitat;

The habitat corresponds to part of the littoral and floodplain in the southern part of Des Juifs island, in the territory of Municipalité de la ville de Rosemère, Municipalité régionale de comté de Thérèse-de-Blainville. The habitat is demarcated on a chart prepared by the Minister;

— the Ormes-Lièges-du-Canton-de-Chatham plant habitat;

The habitat corresponds to part of lot 194 of the 1st concession of the cadastre of the township of Chatham, in the territory of Municipalité de la ville de Brownsburg-Chatham, Municipalité régionale de comté d'Argenteuil. The habitat is demarcated on a chart prepared by the Minister;

Laval

— the Alvar-de-l'Île-de-Pierre plant habitat;

The habitat corresponds to an island known and designated as "Île de Pierre" on the Des Prairies river, in the territory of Municipalité de la ville de Laval, Municipalité régionale de comté de Laval, Communauté métropolitaine de Montréal. The habitat is demarcated on a chart prepared by the Minister;

Montérégie

— the Baie-des-Anglais plant habitat;

The habitat corresponds to the western part of lot 1 of the Marcel-Raymond ecological reserve, in the territory of Municipalité de Henryville, Municipalité régionale de comté du Haut-Richelieu;

— the Chenal-Proulx plant habitat;

The habitat corresponds to the bed and littoral, up to the natural high-water mark, of the channel known and designated as "Chenal Proulx" in the vicinity of Claude island and the Sainte-Anne rapids in Vaudreuil bay, in the territory of Municipalité de la ville de l'Île-Perrot, Municipalité régionale de comté de Vaudreuil-Soulanges. The habitat is demarcated on a chart prepared by the Minister;

— the Ernest-Rouleau plant habitat;

The habitat corresponds to the Pin-Rigide ecological reserve which takes in a part of lots 179, 180 and 181 of range 8 of the cadastre of the parish of Saint-Antoine-Abbé, in the territory of Municipalité de Franklin, Municipalité régionale de comté du Haut-Saint-Laurent. The habitat is demarcated on a chart prepared by the Minister;

— the Grand-Bois-de-Saint-Grégoire plant habitat;

The habitat corresponds to the wooded part of lots 49-P, 51-P and 52-P of the third range of Paroisse de Saint-Grégoire, in the territory of Municipalité de Mont-Saint-Grégoire, Municipalité régionale de comté du Haut-Richelieu. The habitat is demarcated on a chart prepared by the Minister;

— the Îles-Arthur-et-Bienville plant habitat;

The habitat corresponds to Arthur and Bienville islands, which form part of the Micocoulier ecological reserve, in the territory of Municipalité de Coteau-du-Lac, Municipalité régionale de comté de Vaudreuil-Soulanges. The habitat is demarcated on a chart prepared by the Minister;

— the Île-Beauregard plant habitat;

The habitat corresponds to lots 805, 806 and 807 of Beauregard island and to the Beauregard island nature reserve, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Lajemmerais;

— the Marais-de-l'Île-Avelle plant habitat;

The habitat corresponds to a part of the south-eastern littoral of Avelle island, forming part of the Îles-Avelle-Wight-et-Hiam ecological reserve, in the territory of Municipalité de la ville de Vaudreuil-Dorion, Municipalité régionale de comté de Vaudreuil-Soulanges, Communauté métropolitaine de Montréal. The habitat is demarcated on a chart prepared by the Minister;

— the Marécage-de-l'Île-Lacroix plant habitat;

The habitat corresponds to the north-eastern part of Lacroix island, forming part of the Îles de Sorel archipelago, in the territory of Municipalité de la paroisse de Sainte-Anne-de-Sorel, Municipalité régionale de comté du Bas-Richelieu. The habitat is demarcated on a chart prepared by the Minister;

— the Marécage-de-l'Île-Marie plant habitat;

The habitat corresponds to a 2.5-hectare strip of silver maple-red ash forest situated on lot 793, along the western channel of the northern tip of Marie island, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Lajemmerais;

— the Pointe-du-Gouvernement plant habitat;

The habitat corresponds to the marshlands and swamps on Du Gouvernement point, in the territory of Municipalité de Henryville, Municipalité régionale de comté du Haut-Richelieu. The habitat is demarcated on a chart prepared by the Minister;

Montréal

— the Île-Rock plant habitat;

The habitat corresponds to a rocky island known and designated as “Île Rock” in the Lachine Rapids, between Des Soeurs and Aux Chèvres islands, in the territory of Municipalité de la ville de Montréal (LaSalle), Communauté métropolitaine de Montréal;

— the Parc-du-Mont-Royal plant habitat;

The habitat corresponds to a part of the sugar maple-bitternut hickory forest, covering an area of approximately 30,000 square metres, delimited by zones H-15, I-6 and I-11 on the emergency measures location plan of Mont-Royal park, in the territory of Municipalité de la ville de Montréal, Communauté métropolitaine de Montréal.

5. For the purposes of section 4, the natural high-water mark is the mark as defined in section 2.1 of the *Politique de protection des rives, du littoral et des plaines inondables*, made by Décret 103-96 dated 24 January 1996.

DIVISION IV FINAL

6. This Regulation replaces the Regulation respecting threatened or vulnerable plant species and their habitats, made by Order in Council 489-98 dated 8 April 1998.

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

6439

Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Boisé-Papineau Nature Reserve — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Laval, Regional County Municipality of Laval, known and designated as lots 1 392 194, 1 392 196, 1 392 197, 1 392 198, 1 392 202, 1 392 205, 1 392 208, 1 392 291, 1 392 304, 1 392 349, 1 392 352, 1 392 355, 1 392 356, 1 392 409, 1 392 417, 1 392 456, 1 393 370, 1 393 371, 1 393 372, 1 393 378 and 1 393 383 of the Québec Land Register, Laval registry division. This property, which extends over 7.19 hectares, is more fully described in the plan and property description prepared and signed by Mr. Denis Dubois, land surveyor, on May 4th, 2004, in his field note 10 456.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

LÉOPOLD GAUDREAU,
*Director of Ecological Heritage and
Sustainable Development*

Index

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

	Page	Comments
Agence nationale d'encadrement du secteur financier — Approval of the delegation of functions and powers to the Investment Dealers Association of Canada (An Act respecting the Agence nationale d'encadrement du secteur financier, R.S.Q., c. A-7.03)	2460	N
Agence nationale d'encadrement du secteur financier, An Act respecting the... — Agence nationale d'encadrement du secteur financier — Approval of the delegation of functions and powers to the Investment Dealers Association of Canada (R.S.Q., c. A-7.03)	2460	N
Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act (An Act respecting the Pension Plan of Management Personnel, R.S.Q., c. R-12.1)	2459	N
Boisé-Papineau Nature Reserve — Recognition (Natural Heritage Conservation Act, R.S.Q., c. C-61.01)	2483	Notice
Commission des transports du Québec — Procedure (Transport Act, R.S.Q., c. T-12)	2473	Draft
Conservation and development of wildlife, An Act respecting the... — Wildlife habitats (R.S.Q., c. C-61.1)	2467	M
Environment Quality Act — Recovery and reclamation of used oils, oil or fluid containers and used filters (R.S.Q., c. Q-2)	2474	Draft
Forest Act — Sugar bush management in forests in the domain of the State (R.S.Q., c. F-4.1)	2466	N
Municipalité régionale de comté de Lac-Saint-Jean-Est, An Act respecting... (2004, Bill 214)	2455	
Natural Heritage Conservation Act — Boisé-Papineau Nature Reserve — Recognition (R.S.Q., c. C-61.01)	2483	Notice
Pension Plan of Management Personnel, An Act respecting the... — Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act (R.S.Q., c. R-12.1)	2459	N
Recovery and reclamation of used oils, oil or fluid containers and used filters . . . (Environment Quality Act, R.S.Q., c. Q-2)	2474	Draft
Régie de l'énergie — Annual duty payable (An Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01 ; 2000, c. 22)	2469	N
Régie de l'énergie — Fees payable (An Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01 ; 2000, c. 22)	2469	N

Régie de l'énergie, An Act respecting the... — Annual duty payable (R.S.Q., c. R-6.01; 2000, c. 22)	2469	N
Régie de l'énergie, An Act respecting the... — Fees payable (R.S.Q., c. R-6.01; 2000, c. 22)	2469	N
Sugar bush management in forests in the domain of the State (Forest Act, R.S.Q., c. F-4.1)	2466	N
Threatened or vulnerable plant species and their habitats (An Act respecting threatened or vulnerable species, R.S.Q., c. E-12.01)	2475	Draft
Threatened or vulnerable species, An Act respecting... — Threatened or vulnerable plant species and their habitats (R.S.Q., c. E-12.01)	2475	Draft
Transport Act — Commission des transports du Québec — Procedure (R.S.Q., c. T-12)	2473	Draft
Wildlife habitats (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	2467	M