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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 840-2004, 8 September 2004

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

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *c* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine which services of oral surgery are to be considered insured services for the purposes of subparagraph *b* of the first paragraph of section 3 of the Act;

WHEREAS, under subparagraph *d* of the first paragraph of section 69 of the Act, the Government may also, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine which services rendered by dentists are to be considered insured services for the purposes of the second paragraph of section 3 of the Act in respect of each class of insured persons contemplated therein;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) and it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 19 May 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted on those amendments;

WHEREAS the 45-day period has elapsed;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *c* and *d*)

1. The Regulation to amend the Regulation respecting the application of the Health Insurance Act is amended in paragraph *D* of section 31, in paragraph *G* of section 35 and in paragraph *G* of section 36,

(1) by inserting the following after “Surgery.”:

“ — Package for complex surgery (cases of trauma, reconstruction or oncology where the duration of the anaesthesia is six hours or more)”;

(2) by inserting the following after “Infiltration of a branch of trigeminal nerve for diagnostic purposes”:

“ — Anastomosis of a peripheral nerve under a microscope

— Stitching of a cut nerve (neurorrhaphy)”;

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) was last amended by the regulations made by Orders in Council 244-2003 dated 26 February 2003 (2003, *G.O.* 2, 1182) and 550-2004 dated 9 June 2004 (2004, *G.O.* 2, 1825). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

(3) by replacing the list of services under “Reduction of fractures” by the following:

- “— Reduction of fractures
 - bicoronal flap
 - reduction of frontal bone
 - occlusion of frontal sinus
 - zygomatic arch
 - zygomatic arch or malar bone, or both
 - orbit
 - nose
 - maxilla
 - mandible
 - condyle
 - alveolar bone”;

(4) by inserting the following after “– intra- or periosteal (stem or wire for pericranial suspension)” in the services listed under “Insertion of splints”:

- “– placement of a reconstruction plate”;

(5) by replacing in the services listed under “Removal of splints”:

- i. “stem or wire” by “stem, wire or screw”;
- ii. “for osteosynthesis” by “requiring a surgical approach”;

(6) by inserting the following after “– condylectomy” in the services listed under “Treatment of temporomandibular articulation”:

- “– high condylectomy (condyloplasty)”;

(7) by adding the following at the end of the list of services under “Treatment of temporomandibular articulation”:

- “– arthrocentesis
- Arthroscopy”; and

(8) by inserting the following after “— Le Fort I” in the services listed under “Osteotomy”:

- “– Total turbinectomy”.

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

Gouvernement du Québec

O.C. 846-2004, 8 September 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14)

Amendment to Order in Council 596-2004 dated 21 June 2004

WHEREAS, in accordance with section 51 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), the Government established a transition committee, by Order in Council 596-2004 dated 21 June 2004, in respect of Ville de La Tuque and determined that the number of members of the committee was fixed at four;

WHEREAS one of the members of the committee, designated by the Minister of Municipal Affairs, Sports and Recreation, resigned on 16 July 2004;

WHEREAS it is not expedient to designate a new member of the transition committee;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the Schedule to Order in Council 596-2004 dated 21 June 2004 be amended by reducing the number of members of the transition committee of Ville de La Tuque to three.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6503

Gouvernement du Québec

O.C. 866-2004, 8 September 2004

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

Construction industry — Remuneration of arbitrators of grievances or complaints

Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry

WHEREAS, under section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Government made the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry by Order in Council 1205-83 dated 8 June 1983;

WHEREAS, under section 123 of the Act, the Government may, by regulation, determine, after consultation with the Conseil consultatif du travail et de la main-d'oeuvre, the remuneration, allowances and expenses to which the arbitrators of grievances and arbitrators of complaints are entitled;

WHEREAS, under the same section, the Government may also determine who is to assume the payment of the remuneration, allowances and expenses of arbitrators of grievances and arbitrators of complaints and, where applicable, in what proportion;

WHEREAS it is expedient to replace the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 5 May 2004 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments have been made 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 Labour:

THAT the Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, ss. 62, 105 and 123, 1st par., subpars. 8.5 and 9)

1. This Regulation applies to arbitrators of grievances and arbitrators appointed under section 105 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

2. An arbitrator is entitled to fees of \$120 for each hour of arbitration hearing and, subject to section 3, for each hour of deliberation and drafting of an award.

An arbitrator is entitled, for each day of hearing, to a minimum remuneration of \$360.

3. For deliberation and the drafting of an award, an arbitrator is entitled to fees at the rate fixed by section 2 up to a maximum of 14 hours per day of hearing, 22 hours for 2 days of hearing and, where there are 3 days of hearing or more, 22 hours for the first 2 days and 5 hours for each subsequent day.

An arbitrator is entitled to fees at the rate fixed by section 2 up to a maximum of 14 hours if no arbitration hearing is held.

4. An arbitrator is entitled to a travel allowance when performing duties outside an 80-kilometre radius from the office.

The amount of the allowance corresponds to the amount obtained by multiplying the rate of \$80 by the number of hours required for a return trip using the fastest means of transportation.

5. An arbitrator's transportation costs and meal and accommodation expenses are reimbursed in accordance with the Règles sur les frais de déplacement des personnes engagées à honoraires (CT 170100 dated 14 March 1989).

6. For all expenses related to the arbitration, namely fees for opening files, telephone calls, correspondence and the drafting and filing of duplicates or copies of the arbitration award, an arbitrator is entitled to \$120.

7. Where a case is discontinued or fully settled more than 30 days before the hearing date, an arbitrator is entitled to \$120 as an indemnity.

Where a case is discontinued, fully settled or postponed at the request of a party 30 days or less before the hearing date, an arbitrator is entitled to \$360 but is not entitled to the expenses provided for in section 6 related to the arbitration.

8. An arbitrator is entitled to reimbursement of the actual costs incurred in renting a room for a hearing.

9. An arbitrator must submit a detailed account of fees making it possible to verify its merits for each day for which fees, expenses, allowances or indemnities are claimed.

10. An arbitrator may not claim any fees, expenses, allowances or indemnities other than those fixed by sections 2 to 8.

11. The parties assume jointly and equally payment of the fees, expenses, allowances and indemnities of an arbitrator.

12. An arbitrator must file two duplicates or true copies of the award at one of the offices of the Commission des relations du travail.

13. This Regulation replaces the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry made by Order in Council 1205-83 dated 8 June 1983.

14. The provisions of the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry as they read before being replaced by this Regulation continue to apply to grievances and complaints referred to arbitration before 7 October 2004.

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

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING USING "VOTEX" ELECTRONIC VOTING SYSTEM

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF AMQUI, a legal person established in the public interest, having its head office at 20, promenade de l'Hôtel-de-Ville, Province of Québec, represented by the mayor, M. Gaëtan Ruest and the clerk, M. Mario Lavoie under a resolution bearing number 2004-301, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2004-286, passed at its meeting of July the fifth, 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic voting stations for the by-election of October the seventeen, 2004, in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the by-election held on October the seventeen, 2004 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

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

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of August the second, 2004, resolution No. 2004-301 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “electronic voting system” means an apparatus consisting of the following devices:

— a main station used to place the terminals in “election” mode, to unlock the voting terminals, to place the terminals in “end of election” mode, to read the meter of each voting terminal, and to record the results; the main station can control up to six (6) voting terminals;

— one or more voting terminals used to vote, including a graphical representation of a ballot paper with space for a photo of the candidates;

— one or more printers;

2.2 “voting terminal” means a device integrating a ballot paper into its upper surface and push buttons used by electors to vote;

2.3 “paper trail of the vote” identifies the print-out of the voting operation (audit) sent to the sealed printer via the main station;

2.4 “cancelled vote” means a vote for which the button corresponding to “I do not wish to vote” for the office of mayor or “I do not wish to vote” for the office of councillor has been pushed by an elector on the voting terminal.

3. ELECTION

3.1 For the purposes of the by-election of October the seventeen 2004 in the municipality, a sufficient number of “Votex” model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

1) a report identifying the main station and displaying a total of “zero” must be automatically produced by the main station when a voting terminal is turned on on the first day of advance polling and on polling day, for each candidate;

2) the sequential voting reports are progressively printed by a sealed printer;

3) a key mechanism placing the main station and its voting terminals in “election” mode; the key is then removed from the main station and is kept by the person responsible for the main station; the mode in which the main station operates can only be changed with the insertion of the key into the main station;

4) after an elector has voted, the voting terminal is automatically locked for a 20 second interval in order to prevent an elector from voting more than once;

5) the main station must be equipped with a back-up power source (battery) able to operate for two to three hours, unless it is connected to a generator;

6) if a voting terminal is defective, then it is immediately replaced by another voting terminal in order to allow the poll to continue;

7) if the main station is defective, then it is immediately replaced by another main station and by another sealed printer in order to allow the poll to continue; the votes already entered will be recovered at the closing of the poll, either by a technician mandated by TM Technologie inc. who will carry out the reading of the meters of the defective main station, or by a manual calculation of the paper trails of the votes.

5. CONFIGURATION

Each electronic voting system used is specially configured by the firm TM Technologie inc. for the municipality in order to receive and tally votes in accordance with this agreement.

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

6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “person responsible for the main station, assistant to the person responsible for the main station” after the word “assistant,”.

6.2 Person responsible for the main station, assistant to the person responsible for the main station, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of persons responsible for the main station and assistants to the person responsible for the main station that he deems necessary for each polling place.

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

6.3 Duties of the person responsible for the main station, the assistant to the person responsible for the main station and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The person responsible for the main station shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (main station and voting terminals);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) via the main station perform any necessary operation, including the unlocking of the voting terminal on which the elector will exercise his right to vote;

(6) print out the results compiled by his main station at the closing of the poll;

(7) give the returning officer, at the closing of the poll, the paper trails of the votes.

80.1. The assistant to the person responsible for the main station shall, in particular,

(1) assist the person responsible for the main station in the latter's duties;

(2) receive any elector referred by the person responsible for the main station;

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

80.2. The deputy returning officer shall, in particular,

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

(2) see that the polling is properly conducted and maintain order at the polling station;

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

(4) receive proof of identity from electors;

(5) at the close of the poll, give the person responsible for the main station a statement indicating the total number of electors who exercised their right to vote at the polling station.”.

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

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

6.5 Notice of election

The following is added after paragraph 7 of section 99:

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, and establish their identity.

In the polling place, the electors may report indifferently to one or other of the polling stations. Then they shall be directed to the first available voting terminal to exercise their right to vote.”.

6.7 Nomination paper

Section 154 of the Act is modified by the addition of the following second alinea:

“The nomination paper specifies whether the candidate accepts or refuses that his photo appear on the graphical representation of a ballot paper that appears on the voting terminal and in the case of his acceptance mentions:

a) that he undertakes to be present at one of the candidate's photography sessions fixed by the authority of the returning officer;

b) that his failure to be present at one of these sessions constitutes a renunciation on his part to have his photo added to the graphical representation of the ballot paper, which shall be replaced by a black space.”.

6.8 Verification of electronic voting systems

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

“§1.1 *Verification of electronic voting systems*

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

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

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

(1) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote” for the office of mayor or “I do not wish to vote” for the office of councillor;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(2) he shall ensure that it is not possible to record more than one vote for the same position;

(3) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(4) he shall ensure that the information relating to the positions to be filled presented on the upper surface of the voting terminal is consistent with the specified information;

(5) he shall place the system in “end of election” mode and ensure that the results compiled by the main station are consistent with the results compiled manually;

(6) once the test has been successfully completed, he shall reset the main station to zero and put it with the voting terminals in their locked case;

(7) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(8) he may not change the configuration established by the firm TM Technologie inc.”.

6.9 Advance polling

Section 182 of this Act is replaced by the following:

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

(1) the number of electors who exercised their right to vote;

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

The deputy returning officer shall place in separate envelopes the forms, the poll book and the list of electors, and shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes shall be given to the person responsible for the main station for deposit in a large envelope, except for the envelope containing the list of electors. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the person responsible for the main station shall:

(1) place the main station in the “end of election” mode;

(2) place in a separate envelope the sequential voting report from the sealed printer and seal the envelope ;

(3) transfer the data from the summary report of results from the main station to a disk, place the disk in an envelope and seal the envelope ;

(4) transfer the data from the summary report of results from the main station to a sealed printer ;

(5) proceed, with the help of the TM technology inc. technician, to set the main station at zero, and place it in its locked case.

182.2. The person responsible for the main station hands over to the returning officer in a large envelope, the envelope containing the electoral list, the envelope containing the sequential voting report, the envelope containing the disk and the sealed printer in order that they be kept in security.”.

Section 183 of the Act is revoked.

Section 184 of the Act is replaced by the following :

“**184.** The returning officer must draw up, from the different electoral lists that were used for the advance poll, an integrated electoral list of all the electors who have voted at the advance poll. The returning officer reproduces it in as many copies as there are polling stations on polling day and, at the latest on the third day preceding the date fixed for the poll, he transmits a copy to each authorized party or recognized team and to each interested independent candidate.”.

Section 185 of this Act is replaced by the following :

“**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer proceeds, at the location determined by the returning officer, to print out the summary report of results contained on the disk in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The printing out of these results is to be done in accordance with the rules applied to the printing out of the results on polling day, adapted as required.”.

6.10 Repeal

Sections 186 and 187 of this Act are revoked.

6.11 Polling place

The following is substituted for the first paragraph of section 188 of the Act :

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

6.12 Booths

The following is substituted for section 191 of the Act :

“**191.** Where electronic voting systems are used in an election, each polling place shall have the number of polling booths determined by the returning officer.”.

6.13 Ballot papers

The following is substituted for sections 192 to 195 of the Act :

“**192.** The returning officer shall fix between the 17th day and the 12th day preceding the polling day, two photography sessions for the candidates on distinct days and hours. He advises the candidates 48 hours before the first photo session. The photographs are passport types on a plain background.

193. The graphical representation of a ballot paper that appears on the voting terminal shall be similar to the model set out in Schedule 1 to the agreement concluded in virtue of section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.14 Identification of the candidates

The following is substituted for section 196 of the Act :

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

The representation shall show :

(1) the name of each candidate, the given name preceding the surname ;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case ;

(3) a photograph of each candidate taken in virtue of section 192 or a black space in the absence of such a photograph.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”.

6.15 Reverse of ballot paper

Section 197 is revoked.

6.16 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the main station and the voting terminals are configured so that they do not take into account the candidates who have withdrawn and he does what is necessary to remove or to conceal from the voting terminal the name and the photograph of the candidates who have withdrawn their candidacy.

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

6.17 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act:

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn and without limiting the generality of

the foregoing, do what is necessary to withdraw or conceal from the voting terminals the name of the party or the ticket from which the authorization or recognition has been withdrawn.”.

6.18 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be similar to the model described in Schedule 1 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the polling booth facing of the voting terminal.”.

6.19 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) a copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote in this room;

(2) a poll book;

(3) the forms and other documents necessary for the poll and the closing of the polling station.

During the same period, the returning officer gives the sealed envelope including the key to the main station to the person responsible for the main station.

He shall give or make available to the deputy returning officer, as well as to the person responsible for the main station, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.”.

6.20 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the person responsible for the main station, before the persons present, shall ensure that his main station displays a total of zero electors having voted, that is to say that each candidate displays a total of zero registered votes, by verifying the setting of the meter at zero report printed by the sealed printer.

The person responsible for the main station must inform the returning officer of any discrepancy observed upon activating the main station, the voting terminals or the sealed printer or during the poll.

The person responsible for the main station shall keep the reports and show them to any person present who wishes to examine them.

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

6.21 Repeal

Section 209 of this Act is revoked.

POLLING PROCEDURE

6.22 Presence at the polling station

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

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

6.23 Ballot papers

Section 221 of the Act is revoked.

6.24 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and exercise his right to vote by:

(1) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor, the button pressed being now illuminated;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as councillor or councillors, the button pressed being now illuminated;

(3) recording its choices by pressing the green button placed at the bottom of the voting terminal.

Steps 1 and 2 can be inverted.”.

6.25 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After having exercised his right to vote, the elector shall leave the booth then the polling room.

If an elector has expressed his vote or votes and has left the polling room without having recorded them, the person responsible for the main station or the assistant to the person responsible for the main station, accompanied by a deputy returning officer or by a poll clerk, records them.

If an elector has omitted to express one or more than one of his votes and has left the polling room, the person responsible for the main station or the assistant to the person responsible for the main station, accompanied by a deputy returning officer or by a poll clerk, presses the button corresponding to the statement “I cancel my vote” for the office of mayor or “I cancel my vote” for the office of councillor or the buttons corresponding to the two statements, as the case may be, and then records the elector’s vote.

An indication is made in the poll book of the deputy returning officer who accompanied the person responsible for the main station or the assistant to the person responsible for the main station.”.

6.26 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.27 Assistance for electors

The following is substituted for section 226 of the Act:

“**226.** An elector who declares under oath that he is unable to use the electronic voting system or to vote, may be assisted either:

(1) by a person who is the elector’s spouse or a relative within the meaning of section 131;

(2) by the deputy returning in the presence of the poll clerk.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

An indication that an elector has availed himself of this section shall be entered in the poll book.”.

6.28 Indication of the electoral list

Section 228 of the law is replaced by the following:

“**228.** As soon as the elector is directed to the person responsible for the main station in order to exercise his right to vote, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

The first paragraph does not apply where the elector has voted pursuant to an authorization where his name was not entered on the copy of the list of electors used at the polling station.”.

6.29 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the person responsible for the main station shall compile the results by:

(1) inserting his key into the main station and turn it;

(2) placing the election main station in the “end of election” mode;

(3) printing out the results compiled by the main station.

The summary report of results shall indicate the number of cancelled votes, and the number of votes for each candidate.

The person responsible for the main station shall allow each authorized person present to consult the summary report of results.”.

6.30 Entries in poll book

The following is substituted for section 230 of the Act:

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted at this polling station;

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

230.1. The deputy returning officer shall print out the computerized electoral list identifying the electors who have voted at his polling station.

The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the returning officer.”.

6.31 Compiling sheet

Section 231 of the Act is revoked.

6.32 Counting of the votes

Section 232 of the Act is revoked.

6.33 Cancelled votes

The following is substituted for section 233 of the Act:

“**233.** The electronic voting system shall be configured in such a way that every vote for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” pushed by the elector on the voting terminal is accounted for.”.

Sections 234 to 237 of the Act are revoked.

6.34 Statement of the main station and copy for representatives

Section 238 of this Act is replaced by the following:

“**238.** The person responsible for the main station sets the main station at a communication mode and prints a sample of the graphical report of results compiled by the main station.

He immediately gives a copy of the graphical report to the representative.

He conserves a copy for himself and another for the returning officer for the purposes of section 244.”.

Section 240 of the Act is revoked.

6.35 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by his main station, the person responsible for the main station shall:

(1) place in a separate envelope, the graphical report of results compiled by the main station;

(2) place in a separate envelope, the setting of the meter at zero report, the sequential voting report, and the summary report of results, produced by his main station during the poll; he seals the envelope and affixes his initials, along with those representatives who wish to do so;

(3) place in an envelope the key to his main station. He seals the envelope and affixes his initials along with those of the representatives who wish to do so.”.

6.36 Seals

The following is substituted for section 242 of the Act:

“**242.** The person responsible for the main station shall place in a large envelope, the envelopes mentioned at the second and third paragraph of article 241.

He shall seal the large envelope. The person responsible for the main station and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.37 Placing in ballot box

Section 243 of the Act is revoked.

6.38 Delivery to returning officer

The following is substituted for section 244 of the Act:

“**244.** The person responsible for the main station shall deliver to the returning officer or the person designated by the returning officer:

(1) the envelope containing the graphical report of the results compiled by the main station;

(2) the large envelope provided for in section 242.”.

6.39 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the graphical report of the results compiled by each main station and printed by each person responsible for the main station.”.

6.40 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if he is unable to obtain a graphical report of results compiled from each main station that should have been provided, adjourn the addition of votes until it is obtained.

Where it is not possible to obtain the graphical report of results of each main station, the returning officer shall, in the presence of the person responsible for the

main station and the candidates in question or of their representatives, print out a graphical report of results compiled from the main station concerned. If a main station is defective, then the votes already entered by it are recovered either by a technician mandated by TM Technology inc. who carries out the reading of the meters of the defective main station, or by a manual calculation of the paper trails of the votes made by the returning officer.”.

6.41 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** The returning officer shall place the copy of the graphical report of results compiled from each main station in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.42 New counting of the votes

Section 250 of the Act is revoked.

6.43 Notice to the Minister

Section 251 of the Act is replaced by the following :

“**251.** Where it appears impossible to obtain the graphical report of results compiled from every main station or the paper trails of the votes printed by a main station, the returning officer shall inform the Minister of Municipal Affairs in accordance with Division III of Chapter XI.”.

6.44 Access to paper trails

The following is substituted for section 261 of the Act :

“**261.** In no case may the person responsible for access to documents held by the municipality deliver any copy of any paper trail of the votes.

He shall allow no one to examine these paper trails unless he is obliged by order of a court or a judge.”.

6.45 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act :

“**262.** Any person who has reasonable grounds to believe that a main station has produced an inaccurate graphical report of results compiled from this main

station, may apply for a new compilation of the results. The applications may be limited to one or certain main stations, but the judge is not bound by that limitation.”.

6.46 Notice to candidates

The following is substituted for section 267 of the Act :

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the paper trails of the votes, and the graphical report of results compiled from each main station. Where the new compilation is limited to one or certain main stations, the judge shall order only the paper trails of the votes and the graphical report of results compiled from the main stations that he will need.”.

6.47 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act :

“**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, examine the paper trails of the votes.

In the case of a re-addition of votes, the judge shall examine the graphical report of results compiled from each main station.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.48 Repeal

Section 269 is revoked.

6.49 Missing overall statements of the main station and paper trails of the votes

The following is substituted for the first paragraph of section 270 of the Act :

“**270.** If a required document or the paper trails of the votes are missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.50 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify the graphical report of results compiled from each main station and makes a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer all the documents used to complete the new compilation or the re-addition.”.

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December the thirty-first, 2009.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the by-election to be held on Octobre the seventeen, 2004 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the by-election held on Octobre the seventeen, 2004, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

— the cost of adapting election procedures;

— non-recurrent costs likely to be amortized;

— a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the by-election on Octobre the seventeen, 2004, using traditional methods;

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

— the advantages and disadvantages of using the new method of voting, including the addition of a photograph on the graphical representation of a ballot paper placed on the voting terminal;

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the by-election held on Octobre the seventeen, 2004, in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES:

In Amqui, this third day of August 2004

MUNICIPALITY OF AMQUI

By: _____
GAËTAN RUEST, *Mayor*

MARIO LAVOIE, *Clerk*

In Québec, on this 17th day of August 2004

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

M.O., 2004**Order number 2004-012 of the Minister of Health and Social Services for the designation of a breast cancer detection centre dated 7 September 2004**

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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS:

That the following breast cancer detection centre be designated for the Abitibi-Témiscamingue region:

“Centre hospitalier Ste-Famille
22, rue Notre-Dame Nord, C.P. 2000
Ville-Marie (Québec)
J0Z 3W0”

Québec, 7 September 2004

PHILIPPE COUILLARD,
Minister of Health and Social Services

6499

M.O., 2004**Order number AM 2004-037 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 3 September 2004**

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

CONCERNING Fishing and Hunting Areas Regulation*

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING that the Fishing and Hunting Areas Regulation was made by the Government's Order in Council 27-90 dated 10 January 1990;

CONSIDERING section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by chapter 11 of the statutes of 2004, which provides that the Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas;

CONSIDERING section 84.3 of the Act, amended by chapter 11 of the statutes of 2004, which provides that an order made by the Minister under section 84.1 shall be published on the *Gazette officielle du Québec* and comes into force on the date of its publication or on any later date indicated therein;

CONSIDERING that it is expedient to amend Section 1 of the Fishing and Hunting Areas Regulation to specify the number of fishing and hunting areas which is henceforth increased from twenty-four to twenty-nine, by Decision 04-90 of the Société de la faune et des parcs du Québec dated 25 March 2004;

* The Fishing and Hunting Areas Regulation made by Order in Council 27-90 dated 10 January 1990 (1990, *G.O.* 2, 317), was last amended by the Decision of the Société de la faune et des parcs du Québec 04-90 dated 25 March 2004 (2004, *G.O.* 2, 1311). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, updated to 1 March 2004.

ORDER THE FOLLOWING :

Section 1 of the Fishing and Hunting Areas Regulation is amended :

(1) by substituting “XXIV” for “XXIX” in the first paragraph ;

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

“However, the territory delimited as described in Schedule XXV constitutes only a fishing area.”.

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

Québec, 3 September 2004

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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6494

M.O., 2004**Order number AM 2004-036 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 3 September 2004**

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

CONCERNING furbearer management units*

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING that, by resolution No. 02-61 of its board of directors dated 30 May 2002, the furbearer management units are adopted and delimited by the Société de la faune et des parcs du Québec ;

CONSIDERING section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by chapter 11 of the statutes of 2004, which provides that the Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas ;

CONSIDERING section 84.3 of the Act, amended by chapter 11 of the statutes of 2004, which provides that an order made by the Minister under section 84.1 shall be published on the *Gazette officielle du Québec* together with a plan of the area or territory delimited and comes into force on the date of its publication or on any later date indicated therein ;

CONSIDERING that it is expedient to delimit the areas 27, 33, 34 et 36 ;

ORDER THE FOLLOWING :

The furbearer management units are amended by substituting Schedules IV and V for Schedules IV and V attached to this order.

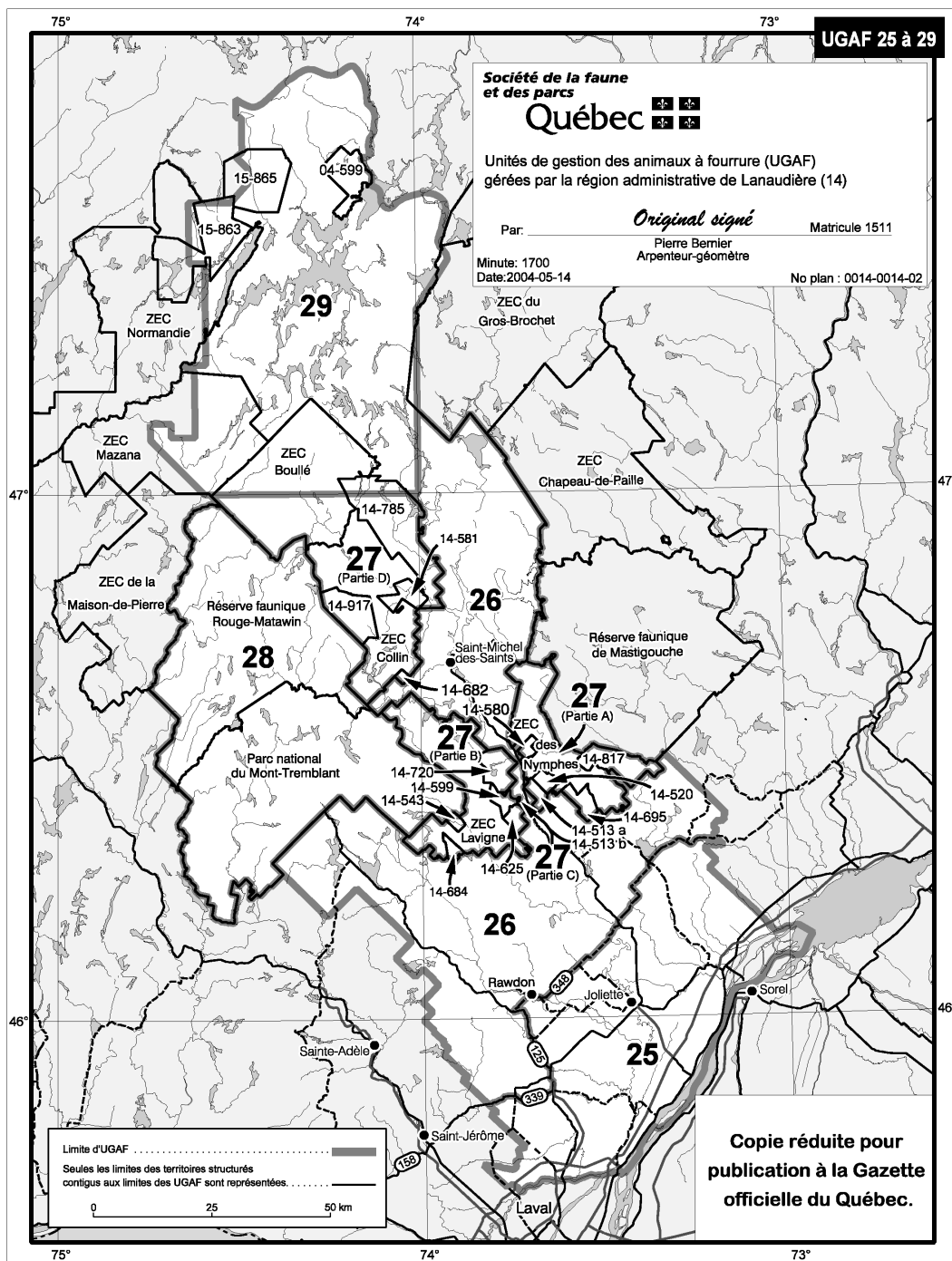
This order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 3 September 2004

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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* The furbearer management units made by the Société de la faune et des parcs du Québec, resolution No. 02-61 dated 30 May 2002 (2002, *G.O.* 2, 3295).

SCHEDULE IV



UGAF 30 à 37

Seules les limites des territoires structurés
congrues aux limites des UGAF sont représentées.

0 50 100 km

**Société de la faune
et des parcs
Québec**

Unités de gestion des animaux à fourrure (UGAF)
gérées par la région administrative de la Mauricie (04)

Par: *Original signé* Pierre Bernier
Apprenteur-géomètre

Matrice: 1511

Minute: 1699
Date: 2004-05-14

No plan: 0014-0004-02

**Copie réduite pour
publication à la Gazette
officielle du Québec.**

The map displays the UGAF 30 à 37 region in Quebec, Canada. It shows various protected areas, including the Réserve faunique de Roberval, Réserve faunique des Laurentides, and Réserve faunique de Portneuf. The map also shows the Lac Saint-Louis and the Rivière Blanche. The map is divided into several numbered regions (30, 31, 32, 33, 34, 35, 36, 37). The map includes a legend, a scale bar, and a title block.

M.O., 2004**Order of the Minister of Environment dated
9 September 2004**

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

Granting of temporary protection to the proposed
Finlay islands ecological reserve

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of land under section 27 is valid for a period of not more than 4 years, which may be renewed or extended; the renewals or extensions of that period may not, unless so authorized by the Government, be such that the term of the setting aside exceeds 6 years;

CONSIDERING THAT by reason of the ecological value the land represents, the Minister of the Environment has been authorized by the Government to assign temporary protection status as a proposed ecological reserve to the greater part of the islands in the Outaouais river known by the name “Îles Finlay” and that the plan of the proposed ecological reserve and the conservation plan have been approved, as evidenced by Order-in-Council 745-2004 dated August 4th 2004;

THEREFORE, the Minister of the Environment hereby orders as follows:

(1) the status of proposed ecological reserve is assigned to the territory described in the plan of the proposed Finlay islands ecological reserve and in the conservation plan approved by the Government;

(2) the status is assigned for a period of 4 years to begin on the date on which the notice of the setting aside is published in the *Gazette officielle du Québec*.

Québec, 9 September 2004

THOMAS J. MULCAIR,
Minister of the Environment

6509

M.O., 2004**Order number AM 2004-038 of the Minister of
Natural Resources, Wildlife and Parks and the
Minister for Forests, Wildlife and Parks dated
3 September 2004**

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

CONCERNING the Lands in the Domain of the State
designated for development of wildlife resources Regu-
lation*

THE MINISTER OF NATURAL RESOURCES, WILDLIFE
AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE
AND PARKS,

CONSIDERING section 85 of the Act respecting the
conservation and development of wildlife (R.S.Q.,
c. C-61.1), amended by chapter 8 of the statutes of 2003
and the chapter 11 of the statutes of 2004, which pro-
vides that the Minister may delimit areas on land in the
domain of the State in view, primarily, of increased
utilisation of wildlife resources and secondarily, the prac-
tice of recreational activities;

CONSIDERING the adoption by the Government of
Order in Council 1276-84, dated June 6, 1984 which
designated and delimited parts of lands in the Domain of
the State for development of wildlife resource, notably
for trapping purposes;

CONSIDERING that under section 191.1 of that Act,
regulations made by the Government in particular under
section 85 of that Act before January 1, 1987, continue
to be in force until they are, from June 17, 1998 on,
replaced or repealed by an order of the Minister;

CONSIDERING that it is expedient to repeal Section 1
and to replace Section 3 and Schedules 1, 1.1 and 2 of
the Lands in the Domain of the State designated for
development of wildlife resources Regulation;

* Lands in the Domain of the State Designated for Development of Wildlife Resources Regulation made by Order in Council 1276-84 dated 6 June 1984 (1984, *G.O.* 2, 2086) was last amended by the regulations approved by Minister's Orders 2001-001 dated 27 February 2001 (2001, *G.O.* 2, 1909) and 2004-002F dated 14 April 2004 (2004, *G.O.* 2, 1373). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

ORDER THE FOLLOWING :

Section 1 of the Lands in the Domain of the State designated for development of wildlife resources Regulation is repealed.

Section 3 of this Regulation is replaced by the following :

“3. The parts of lands in the Domain of the State where exclusive trapping rights may be granted are delimited in Schedules 1 and 2.”.

Schedules 1, 1.1 and 2 are replaced by Schedules 1 and 2 attached hereto.

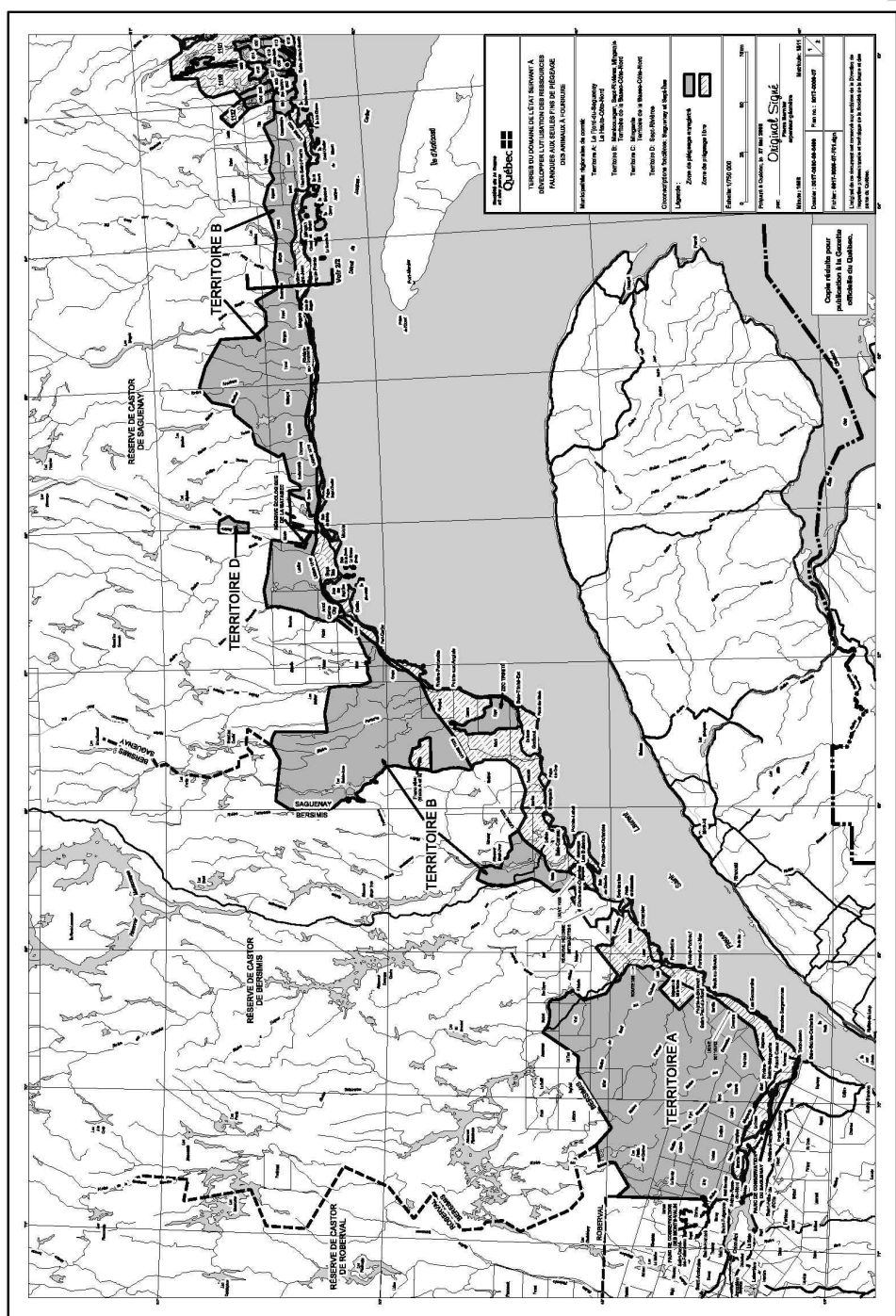
This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 3 September 2004

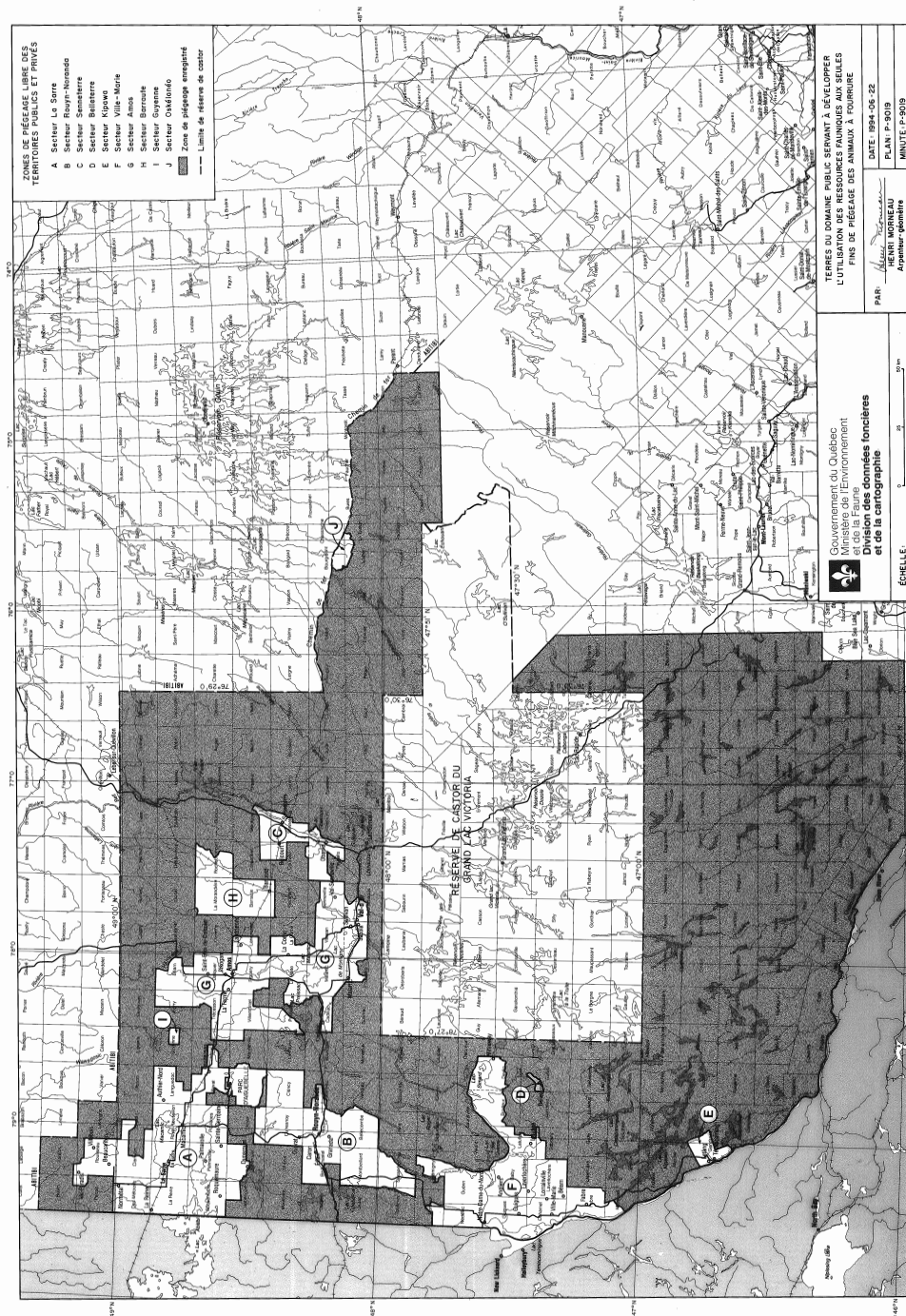
PIERRE CORBEIL,
*Minister for Forests,
Wildlife and Parks*

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

SCHEDULE 1



SCHEDULE 2



Notice

Amendments to the Rules of Practice of the Superior Court of the district of Québec in civil matters

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court appointed for the district of Québec, at their annual meeting on June 4th, 2004, have established the Rules of Practice in civil matters (2004) to amend the Rules of Practice of the Superior Court of the district of Québec in civil matters, the text of which appears below, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 23 July 2004

ROBERT PIDGEON,
Associate Chief Justice

Superior Court (District of Québec) Rules of practice in civil matters (2004)*

1. The Rules of Practice of the Superior Court for the district of Québec in civil matters, (C-25, r. 1.02) are amended as follows.

2. The title of the Rules is replaced with the following :

“Superior Court
(District of Québec)
Rules of practice in civil matters”

3. Section 3.2 of the Rules is amended by replacing the words “certificate of readiness” with the words “attestation of readiness” and deleting the bracket “(Form II, paragraph 4)”.

4. Section 4.1 of the Rules is amended by adding the following words after the words “A lengthy Practice Division matter”: “, that is, of more than 3 hours,”.

5. The Rules are amended :

a) by adding the following after section 4.1 :

“**4.2** Before doing so, the Judge shall ensure that the file is complete and that the case is ready for proof and hearing, in which event he shall determine the duration thereof.

4.3 If the file is incomplete, the Judge shall determine a timetable for completion and refer the case to a case management roll.

4.4 If the nature or complexity of the case warrants, the timetable shall include the filing of the Summary Declaration That the Record is Complete (Form III A of R.c.P. (S.C.)).

4.5 At the case management proceeding, the Judge shall hold a summary pre-hearing conference (article 279) and, if the case is ready for proof and hearing, he shall determine the duration thereof.”.

b) by renumbering section 4.2 which becomes section 4.6.

* Adopted in virtue of the inherent power of the Court and of article 47 of the *Code of Civil Procedure*.

6. The Rules are amended by deleting sections 6.1 and 9.

7. Section 10 of the Rules is amended by replacing all instances of the words “Certificate of Readiness” with the words “attestation of readiness”.

8. The Rules are amended by replacing section 12 with the following:

“**12.** Hearings. Hearings before the Chief Justice are held in his chambers, from 10:00 a.m. to noon on Wednesdays, and on such day as he may determine during the judicial vacation; if a matter is urgent, one may request a hearing at any time.”.

9. The French text of Division VI, “Gestion des dossiers (a. 46)” is replaced with the following: “Gestion d’instance”.

10. Section 13 is replaced with the following:

“**13.** Postponement of presentation. If the parties are absent on the day indicated for the presentation of the action or application (motion to institute proceedings), the case shall be postponed for two weeks and a copy of the minutes shall be sent to the attorneys.

Similarly the parties may agree, only once, on a postponement of two weeks.”.

11. Section 14 is replaced with the following:

“**14.** Additional timetable. A request for an extension of the 180-day time limit (article 110.1) C.C.P. shall be accompanied by a draft timetable spread over a period of no more than 90 days, except with the permission of the Judge.”.

12. The Rules are amended by adding the following division after Division VI:

“**DIVISION VII** **SETTLEMENT CONFERENCE**”

15. Request. The use of “Form A, Joint Request to the Chief Justice for a Settlement Conference” is suggested.

16. Time limit for request. Requests for a settlement conference presented less than 30 days before the date of the hearing on the merits shall be accepted only exceptionally.”.

13. The Rules are amended by adding the following form at the end:

“Form A

<i>(Identification of the file and description of the parties)</i>	Superior Court
_____, 2004.	Joint Request to the Chief Justice¹ for a Settlement Conference (Art. 151.15 C.C.P.)
1. We request that such a conference be held to help us find a mutually satisfactory solution to our dispute.	
2. We believe there is a possibility of a negotiated solution and each signatory declares that he is prepared to make reasonable concessions to arrive at such a solution.	
3. ² The following is a summary ³ of the questions at issue : <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>	
4. Each party agrees to maintain the confidentiality of “anything said or written during [the] settlement conference” (article 151.21).	
5. We understand that “the settlement conference does not suspend the proceeding” (article 151.19).	
6. We wish to have our attorneys present at the conference (article 151.17).	
_____ applicant	_____ defendant
Attorney in charge of the file : Name : _____ Firm : _____ Address : _____ _____ Phone : _____ Fax : _____	Attorney in charge of the file : Name : _____ Firm : _____ Address : _____ _____ Phone : _____ Fax : _____

¹ Send the request to the Service des conférences de règlement à l'amiable (C.S.), Palais de justice, 300, boulevard Jean-Lesage, bureau R-327, Québec (Québec) G1K 8K6.

² Or: 3. Enclosed herewith is a copy of the joined issue *or...* the “Rule 15s” or ... the declarations in accordance with 274.1 and 274.2 C.C.P.

³ Maximum of 10 lines.

Notice

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court have established, by way of a consultation by mail, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25), the Regulation (2004) amending the Rules of practice in civil matters (c. C-25, r. 8) and the Rules of practice in family matters (c. C-25, r.9), the text of which appears below.

Montréal, 31 August 2004

LYSE LEMIEUX,
Chief Justice

Regulation (2004) amending the Rules of practice in civil matters (c. C.-25, r.8) and the Rules of practice in family matters (c. C-25, r.9)

1. The Rules of practice of the Superior Court of Québec in civil matters are amended as follows:

1.1 Section 5 of the Rules is amended by replacing the words “Every proceeding shall be legibly written on one side only of a good quality paper measuring 21,25 cm x 35 cm (8 1/2 x 14 inches);” with:

“Proceedings shall be legibly written on one side of a good quality paper measuring 21.25 cm x 28 cm (8 1/2 x 11 inches) — use of the traditional format shall be tolerated until 1 September 2006;”.

1.2 The Rules are amended by inserting the following after section 30:

“**30.1 Taxation of the witness.** The summons to appear shall include the contact information of the party summoning the witness and state that taxation is equivalent to an enforceable judgment, with a reference to article 322 C.C.P.”.

1.3 Section 36 of the Rules is amended by deleting the third paragraph.

1.4 The Rules are amended by inserting the following after section 45.1:

“**45.2 Videoconferencing.** The Court may authorize an examination on discovery, an examination on an affidavit or an examination of a witness out of court to be held by way of videoconference or by any other means of communication, if the manner proposed for proceed-

ing appears to the Court to be reliable and proportional to the circumstances of the case and taking into account the available facilities.”.

1.5 Sections 54, 56 and 57 of the Rules are repealed.

1.6 Section 58 of the Rules is amended:

(1) by deleting subparagraphs *a, b, c, e, f, g* and *h* from the first paragraph;

(2) by adding the following after subparagraph *h* of the first paragraph: “(*i*) a copy of all other motions for the authorization to bring a class action dealing in whole or in part with the same subject matter;”

1.7 Sections 59 to 62 of the Rules are repealed.

1.8 Section 63 of the Rules is amended by deleting subparagraphs *a* to *d, f* and *g*.

1.9 Section 64 of the Rules is repealed.

1.10 Section 65 of the Rules is amended by deleting the words: “the other parties and”.

1.11 Section 66 of the Rules is repealed.

1.12 Section 68 of the Rules is amended by replacing the words “, the Fonds and the other parties to the action” by the words “and the Fonds.”.

1.13 The Rules are amended by inserting the following after section 77:

“**77.1 Failure to file declaration.** An inscription not accompanied by a declaration in accordance with article 274.1 C.C.P. shall be refused by the Clerk or returned to the party having filed it.

A party who fails to file the declaration required by article 274.2 C.C.P. shall be presumed not to have any witnesses to call nor any exhibits to communicate or file and, accordingly, the defendant may request that the action or application be dismissed or the plaintiff may proceed *ex parte* in accordance with the Code of Civil Procedure (articles 9, 192 and 193).”.

1.14 Section 90 of the Rules is replaced with the following:

“**90. Public registry.** The Clerk shall transmit a copy of an order of prohibition filed at the Office of the Clerk to the Clerks of all the judicial districts and to the Chief Justice in Montreal for inclusion in the public registry of persons subject to orders of prohibition.”.

1.15 Forms V and VII of the Rules are repealed.

1.16 The Rules are further amended in order to harmonize the versions and complete them:

(a) the French text of section 45.1 is amended by inserting the word “de” between the words “hors” and “cour”;

(b) the French text of paragraph *b* of section 75 is amended by replacing the words “date d’audition” with “date d’audience” in the title and the words “réfère” with “défère” and “audition” with “audience”;

(c) the French text of section 76 is amended by replacing the word “Audition” with the word “Audience” “disposer de” with “instruire”, “référer” with “déférer” and “pour ce faire” with “à cet effet” and the English text is amended by replacing the words “dispose of” with the word “hear” and by replacing everything that follows the words “its presentation or” with the words, “after having estimated the duration of the hearing, establish a date of hearing or refer the motion or application to the Clerk for such purpose”;

(d) the French text of section 77 is amended by replacing the words “si un interprète sera requis” with the words “si on aura besoin d’un interprète”;

(e) the French text of section 88 is amended by the replacing the word “référer” with the word “déférer”.

2. The Rules of practice of the Superior Court of Québec in family matters are amended as follows:

2.1 The Rules are amended by inserting the following after section 31:

“31.1 Renunciation. A party who renounces the partition of benefits accrued during the marriage or the civil union under a retirement plan or the partition of earnings registered in the name of a spouse pursuant to the Act respecting the Québec Pension Plan or a similar plan shall confirm that he or she knows the extent of the value which may be partitioned and the possibility of being informed of its exact amount.”.

2.2 The French text of Form I of the Rules “certificate of clerk” is amended by replacing the words “declaration en divorce” with the words “demande en divorce” and the English text is amended by deleting the words “affidavit(s) of the Applicant(s)”.

2.3 The Rules are amended by replacing the text of Form IX with the following:

“

Form IX

Canada Province of Québec District of No.	SUPERIOR COURT
CERTIFICATE OF DIVORCE (Subsection 12 (7), <i>Divorce Act</i>)	
I hereby certify that the marriage of	
and	
solemnized at _____, on the _____	
has been dissolved by a judgment which took effect on the _____	
Seal*	Issued at _____,
on the _____.	
_____ Clerk	

* Upon request.

”

2.4 The Rules are further amended in order to harmonize the versions and complete them:

(a) Form IV of the Rules is amended by adding, in the English text, a subsection to section “B” as follows:

“(c) reinvestment during the marriage” and by replacing the note “For greater detail, see the schedule” with “If necessary, provide details in a schedule”;

(b) the English text of the said form is amended in section “F” by adding “I am claiming a compensatory allowance for the followings reasons (art. 421 C.C.P.)” and by relettering the following sections accordingly.

6498

M.O., 2004

Order number AM 2004-035 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 3 September 2004

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

CONCERNING Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by chapter 11 of the statutes of 2004, which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING section 164 of the Act, amended by chapter 11 of the statutes of 2004, which provides in particular that a regulation made by the Minister under section 56 is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting trapping and the fur trade was made by Minister’s Order 99026 dated 31 August 1999 and that it prescribes, in particular, the conditions for the trapping of any animal or any animal of a class of animals;

CONSIDERING that it is expedient to replace a provision of the Regulation respecting trapping and the fur trade;

ORDER THE FOLLOWING:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 3 September 2004

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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Regulation to amend the Regulation respecting trapping and the fur trade*

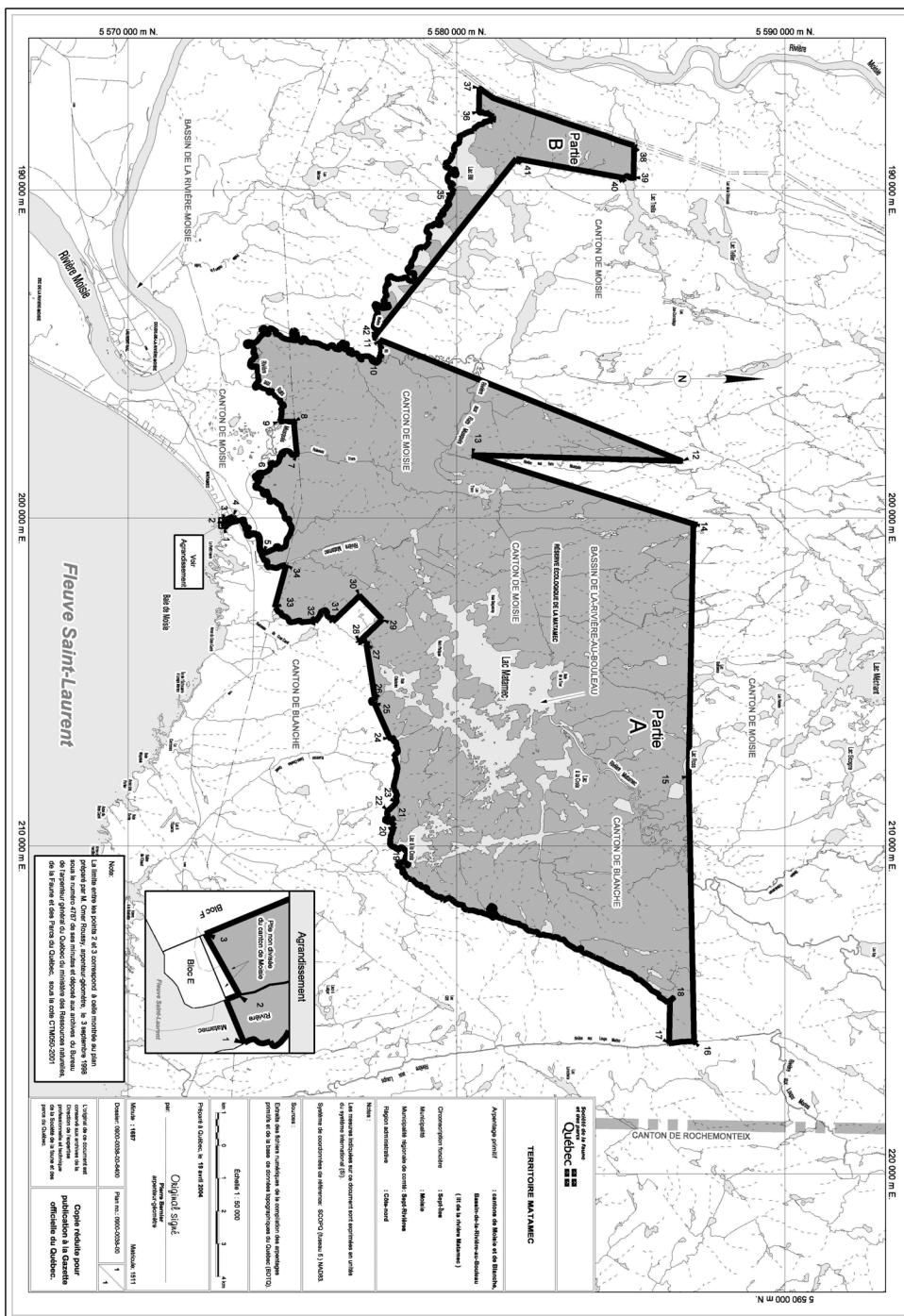
An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, 2nd par.)

1. The Regulation respecting trapping and the fur trade is amended by replacing Schedule V by Schedule V attached to this Regulation.

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

* The Regulation respecting trapping and the fur trade made by Minister’s Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992) was last amended by the regulations approved by Minister’s Orders 2003-025F dated 19 December 2003 (2004, *G.O.* 2, 103) and 2004-004F dated 14 April 2004 (2004, *G.O.* 2, 1434). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

6496



Draft Regulations

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Inscription affixed on hives

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 the inscription affixed on hives, the text of which appears below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to require every owner of hives to affix on each hive an inscription identifying the owner, and to determine the form and tenor of the inscription.

To date, study of the matter has shown no significant financial impact on businesses, in particular, small and medium-sized businesses.

Further information may be obtained by contacting Martine Dubuc, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: (418) 380-2100; fax: (418) 380-2169.

Any person wishing to comment on the matter may do so by submitting written comments before the expiry of the 45-day period to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

Minister of Agriculture, Fisheries and Food,
FRANÇOISE GAUTHIER

Regulation respecting the inscription affixed on hives

Animal Health Protection Act
(R.S.Q., c. P-42, s. 11.14, par. 2)

1. Every owner of hives must affix and maintain on each hive, other than a hive that is stored and has never been occupied by bees, an inscription in permanent and clearly legible characters at least 1 centimetre high indicating his or her name, address of domicile or address of the principal establishment in Québec.

2. Every owner of hives on the date of coming into force of this Regulation has two months to comply with section 1.

3. This Regulation comes into force on 1 April 2005.

6508

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Registration of beekeepers

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 the registration of beekeepers, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation, to the extent and on the terms and conditions it fixes, is to require beekeepers who own *Apis mellifera* bees to register with the Minister of Agriculture, Fisheries and Food, and to determine the information to be kept by them and the registration fees.

To date, study of the matter has shown no significant financial impact on businesses, in particular small and medium-sized businesses.

Further information may be obtained by contacting Martine Dubuc, Director, Institut national de santé animale, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: (418) 380-2100; fax: (418) 380-2169.

Any person wishing to comment on the matter may do so by submitting written comments before the expiry of the 45-day period to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

FRANÇOISE GAUTHIER,
Minister of Agriculture,
Fisheries and Food

Regulation respecting the registration of beekeepers

Animal Health Protection Act
(R.S.Q., c. P-42, s. 3.0.1, 1st par.)

1. Every beekeeper who owns *Apis mellifera* bees must register with the Minister of Agriculture, Fisheries and Food.

2. Every beekeeper must provide to the Minister, on the form furnished by the Minister, an application for registration stating,

(1) in the case of a natural person: the beekeeper's name, address of domicile or postal address, if different from the address of domicile, and telephone number;

(2) in the case of a sole proprietorship, a partnership or a legal person: its name, address of its principal establishment in Québec or postal address, if different from the address of the principal establishment, the registration number assigned to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), and telephone number;

(3) the number of hives occupied by bees owned by the beekeeper;

(4) a description of the location of the hives with sufficient detail to locate them and mention of the wintering site, production site and pollination site; and

(5) the type of activities carried on by the beekeeper, including the sale of bees and the movement of hives for pollination purposes.

Beekeepers must certify the accuracy of the information entered on the form and sign it.

Beekeepers must also notify the Minister, within 30 days, of any change in the information provided under subparagraphs 1 and 2 of the first paragraph.

3. Beekeepers must send with the form a cheque or money order in the amount of \$15 made out to the Minister of Finance.

The registration is effective on the date on which the cheque or money order is cashed. The registration fee is not refundable.

The amount is adjusted on 1 April of each year, as of 1 April 2007, on the basis of the rate of increase in the general Consumer Price Index for Canada for the period

ending on 30 September of the preceding year, as determined by Statistics Canada.

The Minister shall inform the public of the result of the indexing under the second paragraph by publishing the result in the *Gazette officielle du Québec* and, where the Minister considers it appropriate, by any other means.

4. Beekeepers must maintain and keep at his or her domicile or, as the case may be, at its principal establishment in Québec, a record containing the following information:

(1) for every purchase, rental or loan of bees: the date, quantity and place of origin of the bees and the name and address of the person from whom they were obtained;

(2) for every disposal, rental or loan of bees: the date, quantity, place of destination of the bees and the name and address of the recipient;

(3) for every loss of bees: the date, number of colonies lost and the circumstances of the loss and the symptoms observed;

(4) for every movement of occupied hives: the date, number of hives moved and the places of departure and destination of the hives; and

(5) for every treatment given to bees: the date, duration, type of treatment, number of hives treated and their location.

The owner must keep a copy of the form that was sent to the Minister with the record. The owner must also keep the record for at least five years from the date of the last entry and make it available to any person referred to in section 55.10 of the Animal Health Protection Act (R.S.Q., c. P-42).

5. Registration is renewed between 1 April and 1 June of each year in the manner prescribed by sections 2 and 3.

6. Every beekeeper on the date of coming into force of this Regulation has two months to register with the Minister in accordance with section 2.

7. This Regulation comes into force on 1 April 2005, except section 3 which comes into force on 1 April 2006.

6501

Draft Regulation

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

Transportation of school children — Road vehicles — 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 road vehicles used for the transportation of school children, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow the use of handicapped accessible vehicles, to require the installation of flashing amber lights on minibuses and school buses, to require drivers to activate those lights or, where applicable, the flashing emergency lights of those vehicles to signal their intention to stop the vehicle, and to update the standards pertaining to the use of buses and minibuses as regards advanced warning devices and fire extinguishers.

The installation of flashing amber lights will be mandatory only on school buses the chassis of which was built after 1 July 2005; only enterprises purchasing such vehicles will be required to disburse an additional amount estimated at \$300 per vehicle.

Further information may be obtained by contacting Claude Martin, Director, Direction du transport terrestre des personnes, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 25^e étage, Québec (Québec) G1R 5H1; telephone: (418) 644-0324; fax: (418) 646-4904.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 25^e étage, Québec (Québec) G1R 5H1.

YVON MARCOUX
Minister of Transport

Regulation to amend the Regulation respecting road vehicles used for the transportation of school children*

Transport Act
(R.S.Q., c. T-12, s. 5, par. a)

1. The Regulation respecting road vehicles used for the transportation of school children is amended by inserting “red” after “flashing” in subparagraph 2 of the first paragraph of section 2.

2. Section 4 is amended by adding the following paragraph at the end:

“A handicapped accessible vehicle is also a vehicle used for the transportation of school children if it is equipped with a wheelchair access ramp or a wheelchair lift, fitted to carry at least one person in a wheelchair, is equipped with a restraining device fixed to the floor with four anchorages and used to keep each wheelchair in the same position as the permanent seats installed by the manufacturer, and if seat belts consisting of a shoulder belt and a lap belt are installed for each wheelchair.”

3. Section 11 is amended by replacing “178 Rexdale Boulevard, Etobicoke,” by “5060, Spectrum Way, Mississauga,”.

4. Section 34 is amended by replacing the fourth paragraph by the following:

“A school bus must, in addition, be equipped with flashing amber lights to warn drivers that the bus is preparing to stop to take on or discharge school children. The lights shall be designed and installed in accordance with the provisions that apply to the flashing red lights prescribed by this section.”

5. Section 37 is replaced by the following:

“**37.** The owner of a vehicle used for the transportation of school children must display the word “ÉCOLIERS” in black letters on a dome light or other medium that has a yellow-coloured surface and which is to be mounted horizontally in the centre of the roof of the vehicle. Each letter must be proportional in height and width and the message must be capable of being read at a distance of 30 metres.”

* The Regulation respecting road vehicles used for the transportation of school children, made by Order in Council 285-97 dated 5 March 1997 (1997, *G.O.* 2, 1441), was last amended by the regulation made by Order in Council 32-2001 dated 17 January 2001 (2001, *G.O.* 2, 1034).

6. Section 44 is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following:

“(1) at least three triangle reflectors that conform to CSA Standard CSA D-250-03 entitled “School Buses”, as regards advanced warning devices, published on 18 March 2003 by the Canadian Standards Association;

(2) one adequately pressurized multi-purpose powder extinguisher having a minimum rating of 3A:40B:C that meets at least the requirements of CSA Standard CSA D-250-03, as regards fire extinguishers, and weighing between 2.0 and 2.5 kg; and”.

7. The following is inserted after section 44:

“**44.1.** The driver of a school bus must, before turning on the flashing red lights and activating the stop signal in accordance with section 456 or 461 of the Highway Safety Code (R.S.Q., c. C-24.2), turn on for at least 5 seconds the flashing amber lights referred to in the fourth paragraph of section 34 to warn drivers that the bus is preparing to stop to take on or discharge school children or persons under 18 years of age.”.

8. The following is inserted after section 53:

“**54.** A school bus the chassis of which was built before 1 July 2005 is not required to be equipped with the flashing amber lights prescribed by the fourth paragraph of section 34. In addition, the driver of such a school bus is exempt from the requirement of section 44.1 unless the bus is equipped with flashing amber lights to warn drivers that the bus is preparing to stop to take on or discharge school children.”.

The driver referred to in the first paragraph of a school bus that is not equipped with flashing amber lights must, before turning on the flashing red lights and activating the stop signal in accordance with section 456 or 461 of the Highway Safety Code, turn on for at least 5 seconds the flashing emergency lights referred to in section 377 of the Code to warn drivers that the bus is preparing to stop to take on or discharge school children or persons under 18 years of age.”.

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

Draft Regulation

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

Special road train operating permits — 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 Special Road Train Operating Permits Regulation, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies the routes road trains may travel, namely: autoroutes, access roads to industrial parks for a distance of not more than two kilometres, streets in an industrial park and short stretches of road near autoroutes. It amends the total loaded mass limit and the characteristics of road trains, as well as the conditions for the issue of permits. It eliminates duplicate provisions and standardizes the conditions for operating road trains with those applicable to other outsized vehicles. It increases the cost of permits to \$144 for a term of three-months or less and \$221 for longer terms.

The proposed regulatory amendments will have little impact on carriers. Some carriers will, however, have to change the location of their freight terminals to comply with the new authorized routes. Transitional provisions provide for those changes.

Further information may be obtained by contacting François Janelle, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; tel.: (418) 644-7612; fax: (418) 528-5670.

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

YVON MARCOUX,
Minister of Transport

Regulation to amend the Special Road Train Operating Permits Regulation*

Highway Safety Code

(R.S.Q., c. C-24.2, s. 621, pars. 19, 20 and 35, and s. 672)

1. Section 1 of the Special Road Train Operating Permits Regulation is replaced by the following:

“1. In this Regulation,

“dolly” means a trailer converter dolly used to convert a semi-trailer into a trailer; (*diabolo*)

“road train” means a combination of road vehicles composed of a tractor, a semi-trailer, and one of the following vehicles: a dolly, a semi-trailer or a trailer. (*train routier*)

“semi-trailer” means a road vehicle the front of which rests on the fifth wheel of the vehicle pulling it; (*semi-remorque*)

“tandem axle” means a group of two axles connected to a vehicle by a suspension system consisting of a common suspension or two interconnected identical suspensions and designed to equalize at all times, within 1,000 kilograms, the mass as measured under the wheels of each axle; (*essieu tandem*)

“trailer” means a road vehicle, including a semi-trailer the front of which rests on a dolly, attached to the vehicle pulling it by a coupling device other than a fifth wheel; (*remorque*)

“triple axle” means a group of three equally spaced axles connected to a vehicle by a suspension system consisting of three interconnected identical suspensions and designed to equalize at all times, within 1,000 kilograms, the mass as measured under the wheels of each axle; (*essieu triple*)

2. Section 2 is replaced by the following:

“2. A special road train operating permit may be issued to authorize the operation of the following road trains on the condition that they meet the characteristics specified in sections 3 and 3.1:

(1) a A train double: a road train composed of a tractor, a semi-trailer and a tandem-axle single drawbar dolly that converts the second semi-trailer into a trailer;

(2) a B train double: a road train composed of a tractor, a semi-trailer and a second semi-trailer resting on a fifth wheel mounted at the rear of the first semi-trailer;

(3) a C train double: a road train composed of a tractor, a semi-trailer and a tandem-axle double drawbar dolly that converts the second semi-trailer into a trailer; and

(4) a double train: a road train composed of a tractor, a semi-trailer and a tandem-axle dolly.”.

3. Section 3 is replaced by the following:

“3. The following are the characteristics of road trains for which a special permit may be issued:

(1) the total loaded mass of the tractor and semi-trailer in a double train referred to in paragraph 4 of section 2 is within the limits authorized by the Vehicle Load and Size Limits Regulation made by Order in Council 1299-91 dated 18 September 1991, plus 2,000 kilograms, and, in the case of other road trains, the total loaded mass does not exceed 67,500 kilograms;

(2) the tractor has a minimum horsepower of 1 hp per 180 kilograms of the road train's total loaded mass, is equipped with a tachograph or equivalent electronic device, is in good working order, and is equipped with an air compressor with a capacity of at least 425 litres per minute supplying the braking system;

(3) the first semi-trailer has a maximum length of 16.20 metres and, in the case of the first semi-trailer in a B train double, a minimum length of 12 metres, and a minimum length of 13.50 metres in the other cases;

(4) the second semi-trailer has a maximum length of 16.20 metres and a minimum length of 12 metres;

(5) the combination of vehicles constitutes an outsized vehicle only as regards its length and, where applicable, its total loaded mass;

(6) in the case of a double train referred to in paragraphs 1, 2 or 3 of section 2, the rear of the second semi-trailer is equipped with a rigid sign that measures 230 cm to 245 cm by 30 cm, kept free of any object, substance or dirt, bearing the words “TRAIN ROUTIER” in E-series Highway Gothic font 20 cm high, in white on a red background, consisting of Type III high-intensity

* The Special Road Train Operating Permits Regulation made by Order in Council 1874-86 dated 10 December 1986 (1987, G.O. 2, 16) has been amended once, by the regulation made by Order in Council 383-99 dated 31 March 1999 (1999, G.O. 2, 477).

retroreflective sheeting that meets Ministère des Transports Standard 14101 appearing in Chapter 14 of Tome VII — Matériaux in the Normes — Ouvrages routiers collection; a sign with a coefficient of retroreflectivity that is less than 50% of the value specified in Standard 14101 must not be used;

(7) the semi-trailer with the greatest total loaded mass must be hitched to the tractor, except where the difference in mass is less than 10%;

(8) the vehicles are positioned in such a manner that when the road train travels in a straight line, no semi-trailer can swing more than 80 millimetres to either side of the tractor; and

(9) where relevant, the dolly is equipped with a pilot relay valve designed to boost the braking signal of the second semi-trailer and, in the case of a C train double, the dolly meets the requirements of section 903 of the Motor Vehicle Safety Regulations (C.R.C., c. 1038) made under the Motor Vehicle Safety Act (S.C., 1993, c. 16).

The dimensions referred to in subparagraphs 3 and 4 do not include the auxiliary equipment at the front of the semi-trailer on the condition that the equipment does not increase the load volume of the road vehicle or, in the same conditions, the space reserved for the fifth wheel at the rear of the first semi-trailer in a B train double.”

4. The following section is inserted after section 3:

“**3.1.** In addition to the characteristics described in section 3, the road trains must have the following axle characteristics:

(1) the trailer has a single front axle and a tandem axle, interaxle spacing of not less than 3.6 metres measured from the axis of rotation of the single axle to the axis of rotation of the first axle of the tandem axle, and a wheel base of 6.2 metres or less measured from the axis of rotation of the single axle to the centre of the tandem axle;

(2) the first semi-trailer in a B train double has a tandem axle or a triple axle, and the first semi-trailer in an A or C train double has a tandem axle, a triple axle or a Class B.44 or B.45 four-axle group referred to in the Vehicle Load and Size Limits Regulation;

(3) the second semi-trailer is equipped with a tandem axle or a triple axle; and

(4) the interaxle spacing of the tandem axle or triple axle, measured between the axis of rotation of each axle, does not exceed 1.85 metres.

Until 31 December 2009, the first semi-trailer in an A train or C train double may, despite subparagraph 2 of the first paragraph, be equipped with any tandem or triple axle group on the condition that the semi-trailer was built before 1 March 1997, in which case subparagraph 4 of the first paragraph does not apply.”.

5. Section 4 is replaced by the following:

“**4.** To obtain a special permit the applicant must provide the following information:

(1) the applicant’s name and address, identification number in the register of owners and operators of heavy vehicles and, where applicable, identification number issued by the Société de l’assurance automobile du Québec;

(2) the licence plate number of the vehicle or, if the vehicle has no licence plate, the identification number of the vehicle; the number provided must be entered on the special permit to identify the road train whose operation is authorized by the permit; and

(3) the period for which the permit is applied for.

The information must be provided on the form prescribed by the Société, and the form must be signed by the applicant or the applicant’s authorized representative.”.

6. Section 6 is replaced by the following:

“**6.** The fee for the issue of a special permit is

(1) \$221, if the term of the permit exceeds three months; and

(2) \$144, if the term of the permit is three months or less.”.

7. Section 7 is replaced by the following:

“**7.** The holder of a special permit must

(1) sign the permit or have it signed by the holder’s representative;

(2) on request by the Société, provide the data from the tachograph or the electronic device used instead of a tachograph;

(3) notify the Société immediately of any accident or traffic jam caused by the road train;

(4) operate the tractor forming part of the road train as an “operator” within the meaning of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3);

(5) ensure that the driver of the road train complies at all times with the provisions of paragraphs 3 to 5 of section 9;

(6) ensure that the road train is referred to in any of paragraphs 1 to 4 of section 2 and that it meets at all times the characteristics specified in paragraphs 2 to 9 of section 3 and in section 3.1; and

(7) ensure that the road train is allowed to travel on the roads referred to in paragraphs 2, 3, 4 and 5 of section 9.0.1 for the dimensions authorized.”

8. Section 8 is amended by replacing “three” by “nine”.

9. Section 9 is amended

(1) by replacing paragraph 3 by the following:

“(3) refrain from travelling on Sundays and holidays;

(3.1) travel only on authorized roads as provided in section 9.0.1;”;

(2) by replacing paragraph 4 by the following:

“(4) from Monday to Friday, refrain from travelling on autoroutes in Ville de Québec from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:00 p.m. and on autoroutes in Ville de Montréal from 5:30 a.m. to 9:30 a.m. and from 3:00 p.m. to 7:00 p.m.”;

(3) by replacing paragraph 5 by the following:

“(5) travel only when visibility is not less than 500 metres and when the roadway is free from snow and ice;”;

(4) by deleting paragraph 6.

10. The following section is inserted after section 9:

“**9.0.1.** A special operating permit authorizes the road train to travel on only the following roads:

(1) divided lane autoroutes and their entrance and exit ramps;

(2) road segments linking the exit and entrance ramps of an autoroute in opposite directions;

(3) access roads to a municipal industrial park from an autoroute exit or entrance ramp, for a distance of not more than two kilometres;

(4) roads not referred to in subparagraph 3 from an autoroute exit or entrance ramp, for a distance of not more than 500 metres;

(5) roads in a municipal industrial park; and

(6) a road not referred to in subparagraphs 3 and 4 to reach a destination identified in a special permit issued before (*date of coming into force of this Regulation*).

Subparagraphs 1 to 4 of the first paragraph do not apply to Exit 203 on Autoroute 40.

The authorization to travel under subparagraph 6 of the first paragraph will cease to have effect on 1 December 2005.

For the purposes of subparagraphs 3 and 4, the distance to the autoroute is measured at the junction of the autoroute exit or entrance ramp and another road.

For the purposes of subparagraph 3, “municipal industrial park” means an industrial or technological zone designated by a municipality as an industrial or technological park.”

11. Section 9.2 is replaced by the following:

“**9.2.** The holder of a special road train operating permit who contravenes any of the provisions of paragraphs 4, 5, 6 or 7 of section 7 commits an offence and is liable to a fine of \$350 to \$1,050.”

12. Section 9.3 is replaced by the following:

“**9.3.** The driver of a road train who contravenes any of the provisions of section 9 commits an offence and is liable to a fine of \$175 to \$525.”

13. Schedules 1 and 2 to the Regulation are revoked.

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

Notices

Notice

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

Temporary protection status as a proposed ecological reserve assigned to the greater part of the islands in the Outaouais river known by the name “Îles Finlay”

Notice is hereby given, in accordance with sections 29 and 38 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) that:

(1) the Minister of the Environment, by Minister's Order September 9 2004, assigned temporary protection status as a proposed ecological reserve to the greater part of the islands in the Outaouais river known by the name “Îles Finlay” for a period of 4 years to begin on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) the proposed Finlay islands ecological reserve concerns the portion of islands 52 and 54 in Waltham township higher than 106.68 metres above mean sea level. Located on the Outaouais river and covering an area of approximately 94 hectares, the proposed ecological reserve forms part of the territory of Municipalité de Waltham, Municipalité régionale de comté de Pontiac;

(3) the permanent protection status of “ecological reserve” envisaged for the territory is consistent with the temporary protection status already assigned, the granting of such permanent protection status being governed by the Natural Heritage Conservation Act;

(4) permanent protection status will not be granted to the land before 60 days have elapsed following the publication of this notice in the *Gazette officielle du Québec*, a period of time during which any interested person may send comments to Léopold Gaudreau, Direction du patrimoine écologique et du développement durable, ministère de l'Environnement, at the address provided in paragraph 5;

(5) a copy of the plan of the proposed ecological reserve may be obtained on payment of a fee by contacting Léopold Gaudreau, Direction du patrimoine écologique et du développement durable, ministère de l'Environnement, 675, René-Lévesque Est, 4^e étage,

boîte 21, Québec (Québec) G1R 5V7; telephone: (418) 521-3907, extension 4783; fax: (418) 646-6169; e-mail: leopold.gaudreau@menv.gouv.qc.ca

MADELEINE PAULIN,
Deputy Minister

CONSERVATION PLAN FOR THE PROPOSED FINLAY ISLANDS ECOLOGICAL RESERVE

June 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Finlay islands ecological reserve are shown on the map in the Schedule.

The proposed Finlay islands ecological reserve concerns the upper portion of two islands in the Outaouais river, namely the portion with an elevation higher than 106.68 metres above mean sea level. The islands (islands 52 and 54 of Waltham township), which form part of the territory of Municipalité de Waltham in Municipalité régionale de comté de Pontiac, are known by the name “Îles Finlay”.

The proposed Finlay islands ecological reserve covers an area of approximately 94 hectares.

1.2. Ecological overview

The proposed ecological reserve forms part of the Ottawa Plain (provisional name) natural region which lies within the natural province of the St. Lawrence Lowlands.

1.2.1. Representative elements

Climate: The land of the proposed ecological reserve lies within the sugar maple-bitternut hickory bioclimatic domain. It is characterized by a moderate, subhumid climate with a long growing season. The average temperature is 4.5°C, average annual precipitation is 1,065 millimetres and the average growing season is approximately 201 days.

Geology : The basement rocks of the islands are formed of Ordovician rocks including limestone, dolomite, mudrock and sandstone. The basement rocks have no influence on the soils or vegetation because they are covered by Quaternary fluvial deposits of sand, gravel and clay. On the southern island, the wind is believed to have caused the deposits to shift to form an eolian deposit which then became colonized by vegetation.

Archaeology : There has been no archaeological work on the Finlay islands to date. The islands present an enormous archaeological potential, however, because the Outaouais river is a major waterway which provided an east-west transportation link for generations of Amerindians. Archaeological research carried out in recent years has shown the potential of the Aux Allumettes island area slightly west of the Finlay islands. There is evidence on these sites of very early settlement dating back to the prehistoric Native period known as the Archaic Laurentian period (6,500 years before present). Archaeological sites all along the river are also evidence of this early settlement. The archaeological sites that may be discovered in the area will be extremely fragile because they are generally close to the surface and as a result any disturbance of the soil could partially or completely destroy them.

Vegetation : Silver maple predominates at the edge of the marshy areas where the soils are subject to seasonal flooding. Red ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*), bur oak (*Quercus macrocarpa*) and American elm (*Ulmus americana*) are frequently found in these forest communities while the herbaceous layer is formed exclusively of sensitive fern (*Onoclea sensibilis*).

The silver maple stands give way to red oak stands slightly upslope on the sites which are not affected by annual flooding. The latter forest community is largely dominant, covering over three quarter of the Finlay islands.

Stands of bur oak are found further upslope. The main companion species in the oak stand are silver maple (*Acer saccharinum*), yellow birch (*Betula alleghaniensis*), black ash (*Fraxinus nigra*), butternut (*Juglans cinerea*) and basswood (*Tilia americana*).

Pine stands are found in the better-drained areas, including the eolian deposit. These stands are on the southern island. White pine (*Pinus strobus*), red pine (*Pinus resinosa*) and jack pine (*Pinus banksiana*) are the dominant species in these softwood forest communities along with a range of other pioneering species.

1.2.2. Outstanding elements

At least five threatened or vulnerable plant species and that could be so designated have been inventoried on the Finlay islands to date. They are the white oak (*Quercus alba*), woolly hudsonia (*Hudsonia tomentosa*), *Cyperus lupulinus subsp. macilentus*, *Sporobolus cryptandrus* and *Polygonella articulata*. These plants have all been observed on the eolian dune deposit found on the southern island. The habitat of a sixth plant species that is part of the group of threatened or vulnerable species, *Gratiola aurea*, has also been reported on the dry beaches of both the Finlay islands.

The Finlay islands have considerable wildlife potential because of two species of turtle, namely the spiny softshell (*Apalone spinifera*), designated as threatened, and the map turtle (*Graptemys geographica*) which is found on the list of wildlife species that may be threatened or vulnerable. The presence of the map turtle on the islands was reported in the 1990s.

1.3. Occupation and land uses

The land is public property and no rights have been granted within the boundaries of the proposed ecological reserve.

2. Protection status

Ecological reserve status would allow the pursuit of integral preservation of a representative sample of the large sand-covered islands characteristic of the Outaouais river.

3. Activities within the reserve

The activities carried on within the boundaries of the proposed Finlay islands ecological reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed ecological reserve by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

For reference purposes, it is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed ecological reserve are:

- mining, and gas or petroleum development;
- mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes;
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Finlay islands ecological reserve remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed ecological reserve.

A special legal framework may, in particular, govern permitted and prohibited activities in connection with the development of wildlife resources (measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)) and archaeological research (measures contained primarily in the Cultural Property Act (R.S.Q., c. B-4)).

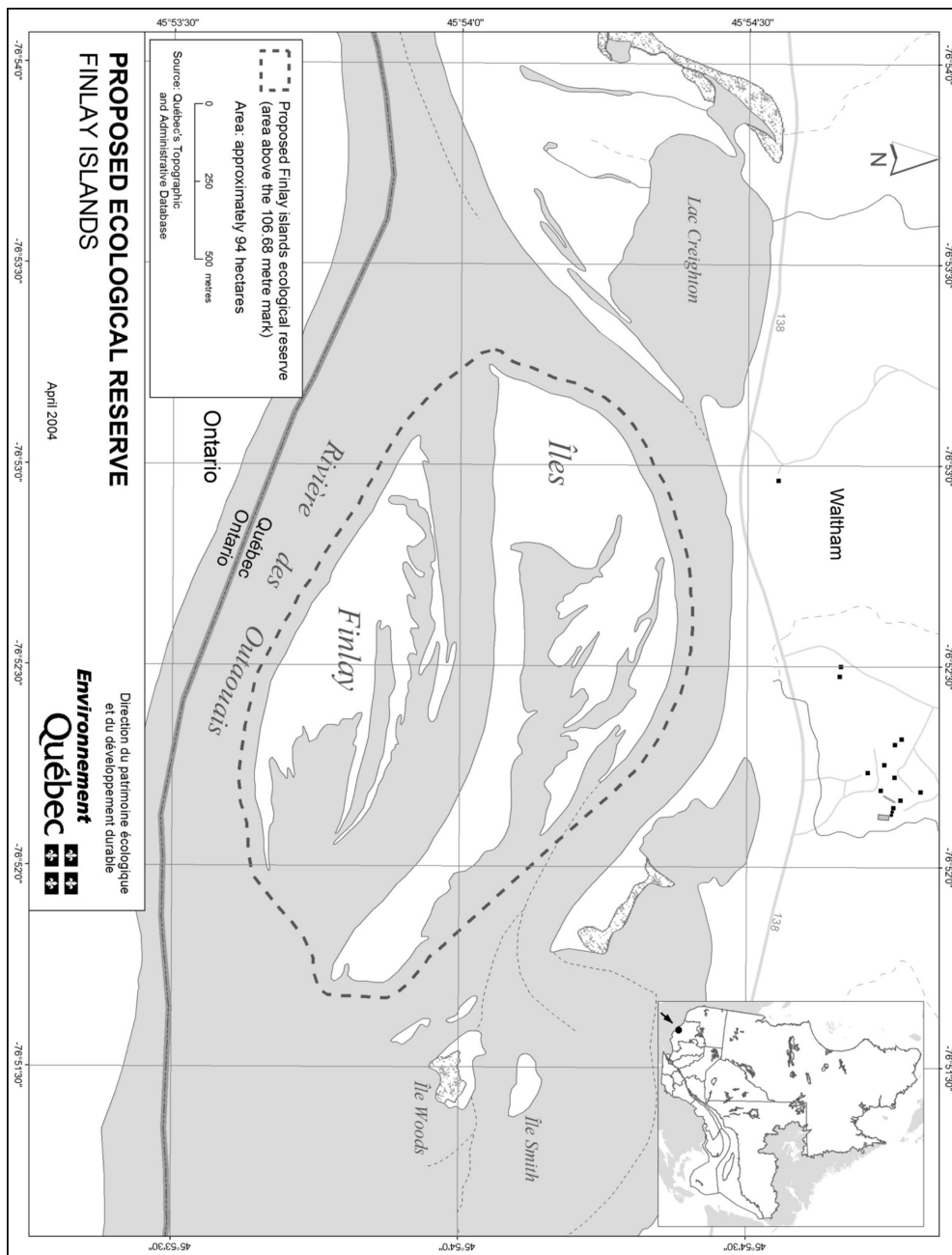
3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed ecological reserves and ecological reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to permitted activities in protected areas. In addition, the Minister has authority over these lands which form part of the domain of the State.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “ecological reserve” status under the Natural Heritage Conservation Act.

SCHEDULE



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

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