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## Regulations and other acts

Gouvernement du Québec

### **O.C. 1188-2006**, 18 December 2006

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

#### **Forestry fund — Contributions — Amendment**

Regulation to amend the Regulation respecting contributions to the forestry fund

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

WHEREAS, under the second paragraph of that section, the contribution, paid into the forestry fund under section 73.5 of the Forest Act, is to be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in the agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under section 176 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), amended by section 58 of chapter 16 of the Statutes of 2003, the provisions of sections 73.4 to 73.6 of the Forest Act concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after 26 June 2001, which is the day before the date of coming into force of section 176;

WHEREAS, under section 95.2.1 of the Forest Act, sections 73.4 and 73.5 of the Act apply to the holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement as if the permit holder were the holder of a timber supply and forest management agreement;

WHEREAS, under the second paragraph of section 184 of the Act to amend the Forest Act and other legislative provisions, the provisions respecting the contributions

to be paid into the forestry fund do not apply to auxiliary timber supply guarantee agreements in force on 27 June 2001;

WHEREAS, under the second paragraph of section 92.0.2 of the Forest Act, a holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder must pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the holder of a wood processing plant operating permit from the agreement holder;

WHEREAS, under subparagraph 3 of the first paragraph of section 92.0.3 of the Forest Act, the Minister may, if considered expedient by the Minister, accredit the holder of a wood processing plant permit to enable the permit holder to obtain a management permit in a management unit to supply the holder's plant where a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;

WHEREAS, under the second paragraph of section 92.0.11 of the Forest Act, in such a case the holder of a wood processing plant permit must also pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation;

WHEREAS, under subparagraphs 18.2 and 18.2.1 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, set the rate referred to in the second paragraph of section 73.4 and in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;

WHEREAS the Government made the Regulation respecting contributions to the forestry fund by Order in Council 328-2002 date 20 March 2002;

WHEREAS it is expedient to amend the regulation to set new rates, as of 1 January 2007, to implement the measure consisting in resuming charge of forest seedling production, as announced on 20 October 2006 by the Government to enhance the Silvicultural Investment Strategy to support the forest industry;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the importance for the Ministère des Ressources naturelles et de la Faune to resume charge of forest seedling production costs to ensure fulfilment of the Silvicultural Investment Strategy;

— the measures totalling \$721.8 M announced on 20 October 2006 by the Government, consisting in two strategic forest management measures under the responsibility of the Minister of Natural Resources and Wildlife, set in place to assist the industry;

— the need to act promptly to adjust, before 1 January 2007, the rates referred to in sections 2 and 3.3 of the Regulation respecting contributions to the forestry fund to implement the recently announced measure consisting in resuming charge of forest seedling production in connection with the responsibilities of the Minister of Natural Resources and Wildlife;

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

THAT the Regulation to amend the Regulation respecting contributions to the forestry fund, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting contributions to the forestry fund \*

Forest Act  
(R.S.Q., c. F-4.1, ss. 73.4, 92.0.2, 92.0.11, 95.2.1 and 172, 1st par., subpars. 18.2 and 18.2.1)

**1.** Section 2 of the Regulation respecting contributions to the forestry fund is amended by adding the following paragraph:

“Despite the foregoing, the rate in the first paragraph is set at \$0 per cubic metre of timber for the period from 1 January 2007 to 31 March 2009.”

**2.** Section 3.3 is amended by adding the following paragraph:

“Despite the foregoing, the rate in the first paragraph is set at \$0 per cubic metre of timber for the period from 1 January 2007 to 31 March 2009.”

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

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\* The Regulation respecting contributions to the forestry fund, made by Order in Council 328-2002 dated 20 March 2002, (2002, *G.O.* 2, 1673), was last amended by the regulation made by Order in Council 1205-2005 dated 7 December 2005 (2005, *G.O.* 2, 5168). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

## Draft Regulations

### Draft Regulation

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

#### Forest protection — 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 Forest Protection Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets at 100% the rate for refunds paid by the Government during the period from 1 April 2007 to 31 March 2009 as regards expenses incurred by the protection organizations certified pursuant to sections 125 and 146 of the Forest Act (R.S.Q., c. F-4.1) to extinguish forest fires and implement plans in cases of insect infestation and cryptogamic diseases.

The draft Regulation will improve forest productivity and forest management performance. To date, the draft Regulation has no negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Johanne Banville, Direction générale de la coordination et du développement stratégique, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 627-8658, extension 4543; fax: 418 528-1278; e-mail: johanne.banville@mrnf.gouv.qc.ca

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to Paule Têtu, Associate Deputy Minister, Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,  
*Minister of Natural Resources and Wildlife*

### Regulation to amend the Forest Protection Regulation\*

Forest Act  
(R.S.Q., c. F-4.1, ss. 128, 147.4 and 172, 1st par., subpar. 11)

**1.** Section 1 of the Forest Protection Regulation is amended by adding the following paragraph:

“Despite the foregoing, the refund rate in the first paragraph is set at 100% for the period from 1 April 2007 to 31 March 2009.”

**2.** Section 2 is amended

(1) by replacing “146” by “147.4”;

(2) by adding the following paragraph:

“Despite the foregoing, the refund rate in the first paragraph is set at 100% for the period from 1 April 2007 to 31 March 2009.”

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

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### Draft Regulation

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

#### Labour standards — Amendments

Notice is hereby given, in accordance with section 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting labour standards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

\* The Forest Protection Regulation, made by Order in Council 1417-87 dated 16 September 1987 (1987, *G.O.* 2, 3462), has not been amended since it was made.

The draft Regulation raises the general minimum wage from \$7.75 per hour to \$8.00 per hour as of 1 May 2007. It also raises the minimum wage payable to employees who receive gratuities or tips from \$7.00 per hour to \$7.25 per hour.

The minimum wage payable to employees who pick raspberries, strawberries and apples, established on the basis of yield according to the category of fruit picked, is also raised as of 1 May 2007.

The proposed increase in the minimum wage will improve the purchasing power of low-wage earners, enabling them to participate in the general prosperity. The increase also takes into account the ability of enterprises to pay and enables them to remain competitive.

The draft Regulation proposes that the minimum wage established in Division II of the Regulation respecting labour standards not apply, as of the coming into force of the draft Regulation, to employees assigned mainly to non-mechanized operations relating to the picking of processing vegetables and that the corresponding provision in the Regulation cease to have effect on 1 January 2010.

Not having the minimum wage apply to such employees for a set length of time will give enterprises an opportunity to adapt to face the economic difficulties threatening the viability of that sector of activity.

Further information on the draft Regulation may be obtained by contacting Julie Massé, Direction des études et des politiques, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 643-1432; fax: 418 644-6969; e-mail: julie.masse@travail.gouv.qc.ca

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

LAURENT LESSARD,  
*Minister of Labour*

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## Regulation to amend the Regulation respecting labour standards\*

An Act respecting labour standards  
(R.S.Q., c. N-1.1, s. 40, 1st par., s. 89, par. 1,  
and s. 91, 1st par.)

**1.** Sections 3 and 4 of the Regulation respecting labour standards are replaced by the following:

“**3.** Subject to section 4 and except to the extent provided for in section 4.1, the minimum wage payable to an employee is \$8.00 per hour.

**4.** The minimum wage payable to an employee who receives gratuities or tips is \$7.25 per hour.”

**2.** The first paragraph of section 4.1 is replaced by the following:

“**4.1.** The minimum wage payable to an employee assigned mainly to non-mechanized operations relating to the picking of raspberries, strawberries or apples is established on the basis of yield according to the following rules:

(1) for an employee assigned to the picking of raspberries: \$0.491 per 250 ml container;

(2) for an employee assigned to the picking of strawberries: \$0.223 per 551 ml container;

(3) for an employee assigned to the picking of apples:

(a) for dwarf apple trees: \$1.19 per bushel;

(b) for semi-dwarf apple trees: \$1.47 per bushel; and

(c) for standard apple trees: \$1.68 per bushel.”

**3.** Paragraph 6 of section 2 of the Regulation, as it read before ceasing to have effect pursuant to section 39.1 of the Regulation, is enacted again and ceases to have effect on 1 January 2010.

**4.** This Regulation comes into force on 1 May 2007.

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\* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 306-2006 dated 13 April 2006 (2006, G.O. 2, 1229A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.



## Draft Regulation

Petroleum Products Act  
(R.S.Q., c. P-29.1)

### Petroleum products

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Petroleum Products Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting petroleum products and equipment, made by Order in Council 753-91 dated 29 May 1991. The purpose of the draft Regulation is to establish the standards of quality that are to apply to petroleum products defined in the Regulation and to determine the methods, conditions and procedure for taking samples and analyzing petroleum products.

The draft Regulation is consequential to the enactment of chapter 10 of the Statutes of 2005 which transfers the responsibilities of the Minister of Natural Resources and Wildlife regarding petroleum equipment to the Régie du bâtiment du Québec, and those dealing with the environmental aspect associated with the use of certain petroleum equipment to the Minister of Sustainable Development, Environment and Parks.

The draft Regulation has minor impact on certain enterprises, in particular on small and medium-sized businesses, since the quality standards established for various petroleum products by the Canadian General Standards Board that the draft Regulation makes applicable are virtually identical to the standards in the Regulation respecting petroleum products and equipment.

Further information on the draft Regulation may be obtained by contacting Alain Lefebvre, Director, Direction générale du développement des hydrocarbures, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau A 401, Québec (Québec) G1H 6R1; telephone: 418 627-6385, extension 8252; fax: 418 528-0690.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Daniel Bienvenue, Associate Deputy Minister, Secteur de l'énergie et des mines, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau B 401, Québec (Québec) G1H 6R1.

PIERRE CORBEIL  
*Minister of Natural Resources and Wildlife*

## Petroleum Products Regulation

Petroleum Products Act  
(R.S.Q., c. P-29.1, ss. 5 and 96; 2005, c. 10, ss. 6 and 16)

### CHAPTER I INTERPRETATION

**1.** The standards of the Canadian General Standards Board to which this Regulation refers include subsequent amendments and later editions of the standards published by that organization.

Despite the foregoing, amendments and editions published after (*insert the date of coming into force of this Regulation*) apply only 90 days after the last day of the month of publication of the French text of the amendments or editions.

**2.** In this Regulation,

“aviation fuel” means a light or medium petroleum distillate for use as motor fuel in aircraft engines; (*carburant d’aviation*)

“biodiesel fuel” means an oxygenated ester- or ether-based fuel derived from vegetable oils or animal fats, or produced by the hydrogenation of biomass; (*carburant biodiesel*)

“diesel fuel” means a medium petroleum distillate for use as motor fuel in a compression ignition engine; (*carburant diesel*)

“diesel fuel containing biodiesel fuel” means a blend of diesel fuel and biodiesel fuel in different proportions for use as motor fuel in a compression ignition engine; (*carburant diesel contenant du carburant biodiesel*)

“fuel ethanol” means ethyl alcohol having the chemical formula C<sub>2</sub>H<sub>5</sub>OH produced from renewable materials and sold either as a product to be blended directly with gasoline or for use as an input in the reformulation of gasoline or the making of ethyl tertiary-butyl ether, an oxygenate made by combining ethanol and isobutylene and sold as a product to be added to gasoline; (*éthanol-carburant*)

“fuel oil” means a homogeneous blend of hydrocarbon compounds for use as fuel; (*mazout*)

“gasoline” means a light petroleum distillate for use as motor fuel in an engine with electrical ignition; (*essence*)

“gasoline containing fuel ethanol” means a blend of gasoline and fuel ethanol for use as motor fuel in an engine with electrical ignition. (*essence contenant de l'éthanol-carburant*)

## CHAPTER II STANDARDS APPLICABLE TO PETROLEUM PRODUCTS

### DIVISION I CLASSES OF PETROLEUM PRODUCTS

**3.** For the purposes of this Regulation, petroleum products are classified as follows:

- (1) motor fuels; and
- (2) fuel oils.

The class of motor fuels consists of gasoline, gasoline containing fuel ethanol, diesel fuel, diesel fuel containing biodiesel fuel and aviation fuel.

### DIVISION II MOTOR FUELS

#### §1. Gasoline

**4.** Gasoline is of the following types:

- (1) type 1: regular unleaded gasoline;
- (2) type 2: mid-grade unleaded gasoline;
- (3) type 3: premium unleaded gasoline; and
- (4) type 4: premium high octane unleaded gasoline.

**5.** Type 1 to 4 gasoline is motor fuel that has no lead or phosphorus compounds added and that is suitable for use in spark ignition engines under a wide range of climatic conditions. It may contain methyl tertiary-butyl ether or other aliphatic ethers.

It must comply with Canadian General Standards Board standard CAN/CGSB 3.5-2004 Unleaded Automotive Gasoline.

#### §2. Gasoline containing fuel ethanol

**6.** Gasoline containing fuel ethanol is motor fuel that has no lead or phosphorus compounds added and that is suitable for use in spark ignition engines under a wide range of climatic conditions.

It must comply with Canadian General Standards Board standard CAN/CGSB 3.511-2005 Oxygenated Unleaded Automotive Gasoline Containing Ethanol.

#### §3. Diesel fuel

**7.** Diesel fuel is of the following types:

- (1) type 1: regular sulphur diesel fuel;
- (2) type 2: low-sulphur diesel fuel; and
- (3) type 3: ultra low-sulphur diesel fuel.

**8.** Type 1 diesel fuel is fuel suitable for high speed diesel engines operating at speeds generally higher than 1,200 r/min.

It must comply with Canadian General Standards Board standard CAN/CGSB 3.6-2000 Regular Sulphur Diesel Fuel.

**9.** Type 2 and 3 diesel fuels are fuels suitable for high speed diesel engines operating at speeds generally higher than 1,200 r/min but that require low-sulphur diesel fuel to limit air emissions.

They must comply with Canadian General Standards Board standard CAN/CGSB 3.517-2000 Automotive Low-Sulphur Diesel Fuel.

#### §4. Diesel fuel containing biodiesel fuel

**10.** Diesel fuel containing biodiesel fuel is low-sulphur diesel fuel containing a volume of biodiesel fuel in a range between 1 and 5%.

It is suitable for high speed diesel engines that require low-sulphur diesel fuel to limit air emissions.

It must comply with Canadian General Standards Board standard CAN/CGSB 3.520-2005 Automotive Low-Sulphur Diesel Fuel Containing Low Levels of Biodiesel Esters (B1-B5).

#### §5. Aviation fuel

**11.** Aviation fuel is of the following types:

- (1) type 1: aviation gasoline; and
- (2) type 2: aviation turbine fuel.

**12.** Type 1 aviation fuel is a light petroleum distillate used in internal combustion and spark ignition aircraft engines.

It must comply with Canadian General Standards Board standard CAN/CGSB 3.25-2004 Aviation Gasoline (Grades 80 and 100LL).

**13.** Type 2 aviation fuel consists of the following sub-types:

- (1) sub-type 1: kerosene;
- (2) sub-type 2: wide-cut aviation turbine fuel;
- (3) sub-type 3: high-flash aviation turbine fuel.

It is a medium petroleum distillate used in turbine engines.

**14.** Sub-type 1 aviation turbine fuel consists of grades JET A, JET A-1 and F-34 and must comply with Canadian General Standards Board standard CAN/CGSB 3.23-2002 Kerosene-Type Aviation Turbine Fuel.

**15.** Sub-type 2 aviation turbine fuel consists of grades JET B and F-40 and must comply with Canadian General Standards Board standard CAN/CGSB 3.22-2002 Wide-Cut Type Aviation Turbine Fuel.

**16.** Sub-type 3 aviation turbine fuel consists of grade F-44 and must comply with Canadian General Standards Board standard CAN/CGSB 3.24D-2002 High-flash Type Aviation Turbine Fuel.

### DIVISION III FUEL OILS

**17.** Fuel oil is of the following types:

- (1) type 0;
- (2) type 1;
- (3) type 2;
- (4) type 4;
- (5) type 5;
- (6) type 6.

**18.** Type 0 fuel oil is for heating appliances used in regions where the ambient temperature may reach  $-48^{\circ}\text{C}$  or lower.

**19.** Type 1 fuel oil is mainly used for sleeve-type and wick-type domestic burners and vapourizing pot-type and atomizing burners that cannot use type 2 fuel oil.

**20.** Type 2 fuel oil is used for domestic atomizing burners and is also suitable for medium-capacity commercial and industrial burners where ease of handling and availability justify its use.

**21.** Type 4 fuel oil is an industrial type of fuel for burner installations with or without preheating devices.

**22.** Type 5 fuel oil is a residual type of fuel oil for burner installations equipped with preheating devices requiring oil with lower viscosity than type 6 fuel oil.

**23.** Type 6 fuel oil is a high-viscosity residual oil for use in burner installations equipped with preheating devices.

**24.** All types of fuel oil referred to in section 17 must comply with Canadian General Standards Board standard CAN/CGSB 3.2-99 Heating Fuel Oil.

### CHAPTER III SAMPLES AND ANALYSES

**25.** Inspectors and persons authorized under section 87 of the Petroleum Products Act must comply with the sampling methods in the standards applicable to the various classes of petroleum products during an inspection of product quality.

**26.** An inspector or authorized person taking a sample of a petroleum product for analysis must pay the current price for the product.

**27.** After taking a sample, the inspector or authorized person must draw up a report containing

(1) the name and address of the owner of the petroleum equipment installation within the meaning of the Building Act (R.S.Q., c. B-1.1) that contains the petroleum product being analyzed;

(2) the date on which the sample was taken;

(3) the name and address of the site;

(4) identification of the tank from which the sample was taken;

(5) identification of the petroleum product;

(6) the name of the supplier of the petroleum product that made the last two deliveries;

(7) the date of the last two deliveries of the petroleum product to the operator and the quantity delivered each time; and

(8) the name of the carrier that made the last two deliveries.

The report must be signed by the inspector or authorized person that took the sample and by the owner or operator of the petroleum equipment installation containing the petroleum product being analyzed.

A copy of the report is to be given to the owner of the petroleum product installation containing the petroleum product being analyzed.

**28.** The inspector or authorized person must forward the sample of the petroleum product to an analytical laboratory.

The inspector or authorized person is to receive the conclusions of the laboratory and draw up, if necessary, the notice of correction referred to in section 92 of the Petroleum Products Act.

#### CHAPTER IV OFFENCES

**29.** Every person who contravenes any of the provisions of sections 5, 6, 8, 9, 10, 12, 14, 15, 16 and 24 is liable to the fine in paragraph 2 of section 106 of the Petroleum Products Act.

**30.** An inspector or a person authorized under section 87 of the Petroleum Products Act who contravenes any of the provisions of sections 25 to 28 is liable to the fine in paragraph 1 of section 106 of the Petroleum Products Act.

#### CHAPTER V FINAL

**31.** This Regulation replaces the Regulation respecting petroleum products and equipment made by Order in Council 753-91 dated 29 May 1991.

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

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

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