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DU Québec

Part

2

No. 30

27 July 2011

Laws and Regulations

Volume 143

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Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

2ND SESSION

39TH LEGISLATURE

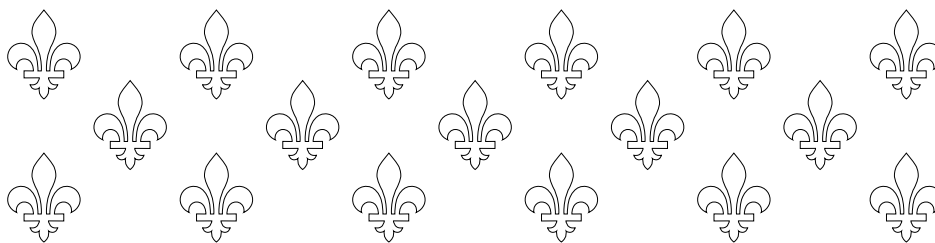
QUÉBEC, 8 JUNE 2011

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 8 June 2011*

This day, at twenty-four minutes past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 2 An Act respecting the construction of a section of Highway 73 from Beauceville to Saint-Georges
- 11 An Act to amend the Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 2
(2011, chapter 7)

**An Act respecting the construction
of a section of Highway 73 from
Beauceville to Saint-Georges**

**Introduced 24 March 2011
Passed in principle 19 May 2011
Passed 8 June 2011
Assented to 8 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

The purpose of this Act is to validate Order in Council 1180-2009 dated 11 November 2009 concerning the extension of Highway 73 from the territory of Ville de Beauceville to that of Ville de Saint-Georges.

Bill 2

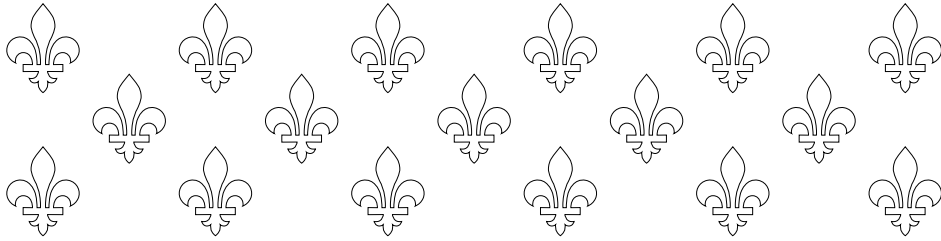
AN ACT RESPECTING THE CONSTRUCTION OF A SECTION OF HIGHWAY 73 FROM BEAUCEVILLE TO SAINT-GEORGES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Order in Council 1180-2009 dated 11 November 2009 (2009, G.O. 2, 5845, French only) concerning the use for purposes other than agriculture, the subdivision or the alienation of lots situated in an agricultural zone in order to extend Highway 73 through the territories of the municipalities of Beauceville, Notre-Dame-des-Pins and Saint-Simon-les-Mines is validated.

The first paragraph has effect from 11 November 2009 and applies despite any court decision subsequent to that date which declared the order in council referred to in the first paragraph to be invalid.

2. This Act comes into force on 8 June 2011.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 11
(2011, chapter 8)

**An Act to amend the Supplemental Pension
Plans Act and to provide for the possibility of
opting to receive a pension paid by the Régie
des rentes du Québec during the existence of
certain plans in the pulp and paper sector**

**Introduced 10 May 2011
Passed in principle 31 May 2011
Passed 8 June 2011
Assented to 8 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

This Act amends the Supplemental Pension Plans Act to extend the period of retroactive effect of certain government regulations by one year.

The option of receiving benefits as a pension paid out of the assets administered by the Régie des rentes du Québec is made available to the pulp and paper sector even where a plan is not terminated or an employer has not withdrawn, provided certain requirements are met and a government regulation is made to that effect. The option may be exercised each year during the period in which the regulation made under section 2 of the Supplemental Pension Plans Act with respect to the plan applies, to which is added the maximum period allowed under that Act for the amortization of a solvency deficiency. The option may also be made available where the plan is terminated or where the employer withdraws, under the conditions set out in section 230.0.0.1 of that Act, before the period expires.

Lastly, some of the amortization payments to be paid into the pension plans listed in Schedule A to the Act to amend various provisions respecting supplemental pension plans, particularly concerning payment options in the event of an employer's insolvency are suspended until a regulation is made setting out the procedure for financing the plans.

LEGISLATION AMENDED BY THIS ACT:

- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

Bill 11

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT AND TO PROVIDE FOR THE POSSIBILITY OF OPTING TO RECEIVE A PENSION PAID BY THE RÉGIE DES RENTES DU QUÉBEC DURING THE EXISTENCE OF CERTAIN PLANS IN THE PULP AND PAPER SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing “the year preceding” in the third paragraph by “the penultimate year preceding”.

2. The Government may, if it makes a regulation under section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) relating to a pension plan to which Chapter X of that Act applies and to which an employer in the pulp and paper sector is a party, provide by regulation that members and beneficiaries of the pension plan may request that they receive benefits as a pension paid out of the assets administered by the Régie des rentes du Québec under section 230.0.0.4 of that Act without the plan having been amended to allow for the withdrawal of the employer who is a party to the plan or without the plan having been terminated, when

(1) the employer who is a party to the plan is, as part of the restructuring of the enterprise, bound by an agreement with the Government to, among other things, maintain the plan;

(2) on the date of the agreement, the employer is subject to an order or judgment, dated prior to 1 January 2012, under the Companies’ Creditors Arrangement Act (Revised Statutes of Canada, 1985, chapter C-36) or Part III of the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3); and

(3) if the plan terminated on the date of the agreement, the assets would not be sufficient to pay all the benefits of the members and beneficiaries.

In that case, subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act, except the third paragraph of section 230.0.0.9, applies to the extent and with the adaptations provided by regulation. Such a regulation must provide that the members and beneficiaries to whom it applies may request each year, on the date it sets and according to the procedure it prescribes, that they receive benefits in the manner described in the first paragraph. The regulation may concern only the members and beneficiaries to

whom a pension is paid on the date it specifies or it may also concern those who, on the same date, would have been entitled to the payment of a pension if they had applied for it. The regulation may also provide rules that differ from those determined by the regulation made under section 230.0.0.11 of that Act, in particular with respect to the method of determining the value of the benefits accrued to the affected members and beneficiaries, the options available to those members and beneficiaries and the time limits that apply to the exercise of their options and the payment of their benefits.

A regulation made under this section applies to a pension plan during the period in which the regulation made under section 2 of the Supplemental Pension Plans Act with respect to the plan applies, plus the maximum period allowed under that Act for the amortization of a solvency deficiency. However, the regulation ceases to apply on the date of the first actuarial valuation that shows that the plan is solvent.

If, in respect of a pension plan, the conditions set out in section 230.0.0.1 of the Supplemental Pension Plans Act, except those in paragraph 2.1 of that section, are met before the period defined in the third paragraph expires, subdivision 4.0.1 of Division II of Chapter XIII of that Act, except the third paragraph of section 230.0.0.9, applies to that plan.

A regulation made under this section or under section 2 of the Supplemental Pension Plans Act with respect to a plan to which this section applies is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1) and may, if it so provides, have retroactive effect to a date that is prior to the date of its publication but not prior to 31 December 2008.

3. The obligation to pay an amortization payment, deferred to 31 March 2011 by section 6 of the Act to amend various provisions respecting supplemental pension plans, particularly concerning payment options in the event of an employer's insolvency (2010, chapter 41), is again deferred until a regulation referred to in the fifth paragraph of section 2 determines the methods for financing the pension plans in respect of which the obligation applies.

The first paragraph has effect from 31 March 2011.

4. This Act comes into force on 8 June 2011.

Regulations and other Acts

M.O., 2011

Order number AM 2011-026 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 13 July 2011

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

Regulation to amend the Regulation respecting hunting

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

CONSIDERING sections 56 and 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provide that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under section 56 and subparagraphs 1 to 3 of the first paragraph of section 163 of the Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting hunting (R.R.Q., c. C-61.1, r. 12);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

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

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

CONSIDERING that, in the opinion of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife, the urgency due to the following circumstances justifies such coming into force of the Regulation to amend the Regulation respecting hunting:

— the amendments in the Regulation attached to this Minister's Order are intended to create, before the beginning of the caribou hunting season, new caribou hunting zones and licences to ensure a better control of the number of kills made necessary by the considerable decrease in the number of caribou in the herds present in the territory of the Agreement concerning James Bay and Northern Québec;

CONSIDERING that it is expedient to make the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting, attached hereto, is hereby made.

Québec, 13 July 2011

SERGE SIMARD,
Minister for Natural Resources and Wildlife

NATHALIE NORMANDEAU,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting hunting*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 56 and 163, 1st par., subpars. 1 to 3)

1. The Regulation respecting hunting (c. C-61.1, r. 12) is amended in section 13 by striking out the last paragraph.

2. Section 13.6. is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

“(1) one of the following hunting licences:

(a) Caribou, valid for the part of Area 22 shown on the plan in Schedule XII;

* The Regulation respecting hunting (c. C-61.1, r. 12) was last amended by Minister's Order 2011-024 dated 2 June 2011 (2011, G.O. 2, 1312). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2011, updated to 1 April 2011.

(b) Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII;

(c) Caribou, valid for Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC;

(d) Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC;

(e) Caribou, valid for Area 24;”;

(2) by striking out subparagraphs 2 and 3 of the first paragraph.

3. Section 13.7 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) one of the following hunting licences:

(a) Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII;

(b) Caribou, valid for Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC;

(c) Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC;”.

4. Section 13.10 is amended by replacing the first paragraph by the following:

“**13.10.** The holder of a hunting licence other than “Caribou, valid for the part of Area 22 shown on the plan in Schedule XII” must use the services offered by an outfitter to hunt caribou.”.

5. Section 23 is replaced by the following:

“**23.** A person may kill 2 caribou during the validity period of his or her caribou hunting licence.”.

6. Schedule I is amended by replacing section 1 by the following:

“**1** (a) Caribou, valid for the part of Area 22 shown on the plan in Schedule XII
i. resident 2

(b) Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII
i. resident 2
ii. non-resident 2
iii. non-resident Canadian 2

(c) Caribou, valid for Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC

i. resident 2
ii. non-resident 2
iii. non-resident Canadian 2

(d) Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC

i. resident 2
ii. non-resident 2
iii. non-resident Canadian 2

(e) Caribou, valid for Area 24
i. resident 2”.

7. Schedule II is amended by replacing section 2 by the following:

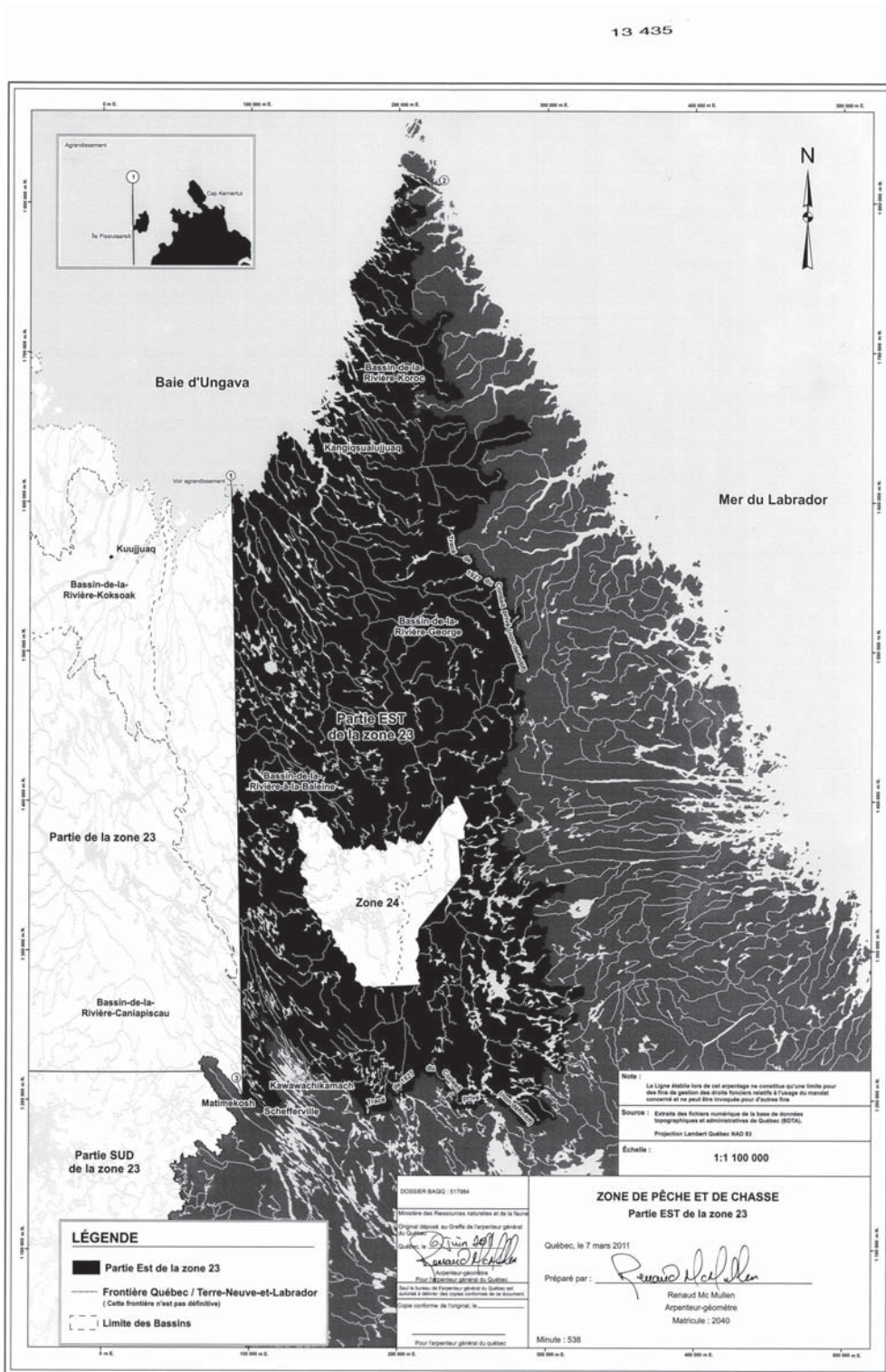
“**2.** For caribou hunting:

Area	Number of licences
the part of Area 22 shown on the plan in Schedule XII	500, that is, 2 licences per hunter selected by a drawing of lots
the part of Area 22 shown on the plan in Schedule XVII	3,053
Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC	1,998
the eastern part of Area 23 shown on the plan in Schedule CC	171
Area 24	75”.

8. Schedule II.1 is revoked.

9. Schedule III is amended by replacing section 2 by the following:

“**2** Caribou with 1 the parts of Area 22 from 15 November to
antlers 15 cm shown on the plans in 15 January
or more Schedules XII and XVII



M.O., 2011**Order number AM 2011-027 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 13 July 2011**

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

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

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

CONSIDERING subparagraphs 5 and 9 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provide that the Minister may make regulations on the matters set forth therein, in particular to set the fees payable for licences;

CONSIDERING the making of the Regulation respecting the scale of fees and duties related to the development of wildlife (R.R.Q., c. C-61.1, r. 32);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

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

CONSIDERING that, 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 has made it is of the opinion that the urgency of the situation requires it;

CONSIDERING that, 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;

CONSIDERING that, in the opinion of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife:

— amendments to the caribou hunting licences provided for in the Regulation respecting hunting (R.R.Q., c. C-61.1, r. 12) have been made by reason of the considerable decrease in the number of caribou in the herds present in the territory of the Agreement concerning James Bay and Northern Québec;

— the amendments in the Regulation attached to this Minister's Order are intended to harmonize both regulations and it must come into force at the same time as the Regulation to amend the Regulation respecting hunting;

CONSIDERING that it is expedient to make the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached hereto, is hereby made.

Québec, 13 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1, s. 163, 1st par., subpars. 4 and 9)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife (c. C-61.1, r. 32) is amended in Schedule I by replacing section 1 by the following:

“

- | | |
|--|----------|
| 1 (a) Caribou, valid for the part of Area 22 shown on the plan in Schedule XII | |
| i. resident | \$50.64 |
| (b) Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII | |
| i. resident | \$50.64 |
| ii. non-resident | \$294.92 |
| iii. non-resident Canadian | \$117.76 |
| (c) Caribou, valid for Area 23 except the southern part in Schedule XVIII and except the eastern part shown on the plan in Schedule CC | |
| i. resident | \$50.64 |
| ii. non-resident | \$294.92 |
| iii. non-resident Canadian | \$117.76 |

(d) Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC	
i. resident	\$50.64
ii. non-resident	\$294.92
iii. non-resident Canadian	\$117.76
(e) Caribou, valid for Area 24	
i. resident	\$50.64

2. Schedule VI is amended

(1) by replacing, in section 1 in respect of caribou, the types and classes of licences and amounts by the following:

“

i. Caribou, valid for the part of Area 22 shown on the plan in Schedule XII	\$3.94
ii. Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII	\$3.94
iii. Caribou, valid for Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC	\$3.94
iv. Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC	\$3.94

”.

(2) by replacing, in section 2 in respect of caribou, the types and classes of licences and amounts by the following:

“

i. Caribou, valid for Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CC	\$3.94
ii. Caribou, valid for the eastern part of Area 23 shown on the plan in Schedule CC	\$3.94
iii. Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII	\$3.94

”.

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

M.O., 2011

Order number AM 2011-029 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 13 July 2011

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

CONCERNING the replacement of Schedule 135 to Order in Council 573-87 dated 8 April, 1987 concerning the designation and delimitation of land in the domain of the State

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

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April, 1987 designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING that under the first paragraph of section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and the carrying on of recreational activities incidental there to;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by an order of the Minister of Environment and Wildlife;

CONSIDERING section 80 of the Act to replace the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions (2004, c. 11) which provides that, unless the context indicates otherwise, in any other Act, text or document, a reference to the minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec, the Minister responsible for Wildlife and Parks or to the Société de la faune et des parcs du Québec is a reference to the Minister of Natural Resources, Wildlife and Parks;

CONSIDERING that it is expedient to replace Schedule 135 of Order in Council 573-87 dated 8 April, 1987;

ORDER THAT:

Schedule 135, attached hereto be substituted for Schedule 135 to Order in Council 573-87 dated 8 April, 1987;

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

Québec, 13 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*

M.O., 2011**Order number AM 2011-030 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 14 July 2011**

CONCERNING the replacement of Schedule 148 to Order in Council 573-87 dated 8 April, 1987 concerning the designation and delimitation of land in the domain of the State

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

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April, 1987 designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increased utilization of wildlife resources;

CONSIDERING that under the first paragraph of section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and the carrying on of recreational activities incidental there to;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by an order of the Minister of the Environment and Wildlife;

CONSIDERING section 80 of the Act to replace the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions (2004, c. 11) which provides that, unless the context indicates otherwise, in any other Act, text or document, a reference to the minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec, the Minister responsible for Wildlife and Parks or to the Société de la faune et des parcs du Québec is a reference to the Minister of Natural Resources, Wildlife and Parks;

CONSIDERING that it is expedient to replace Schedule 148 of Order in Council 573-87 dated 8 April, 1987;

ORDER THAT:

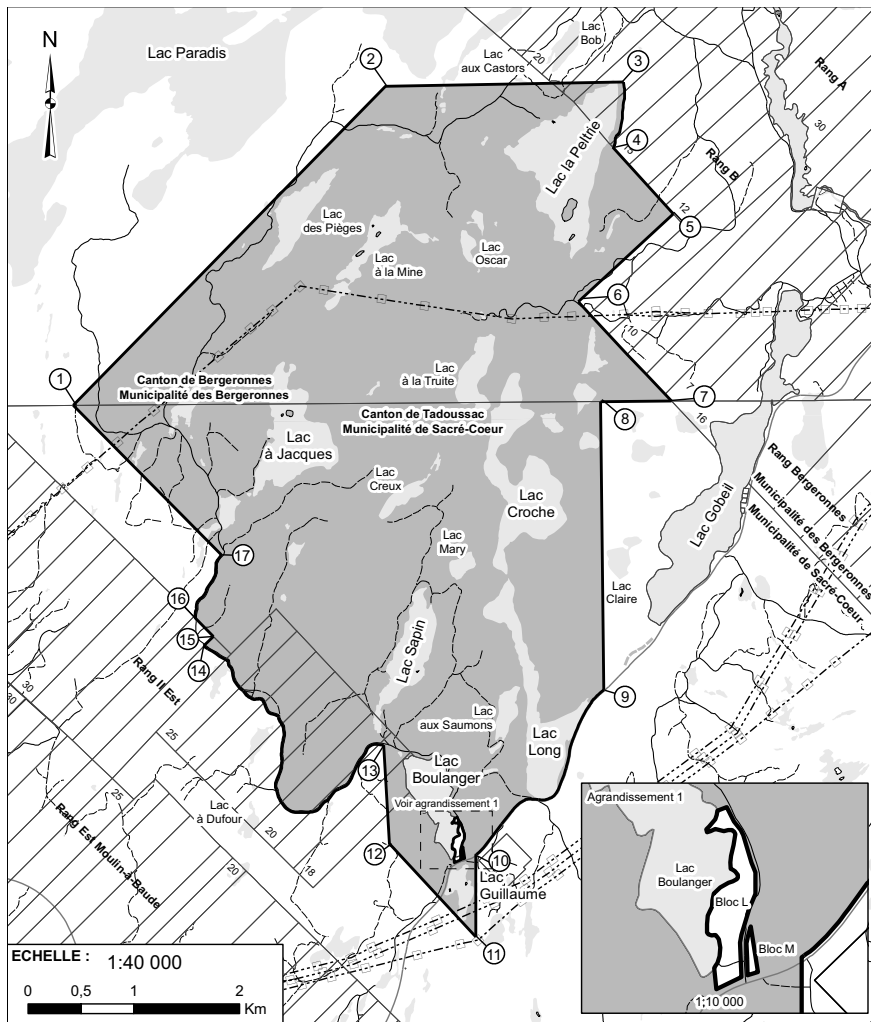
Schedule 148, attached hereto be substituted for Schedule 148 to Order in Council 573-87 dated 8 April, 1987;

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

Québec, 14 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*



DOSSIER BAGQ : 516 294
 DOSSIER FAUNE : 09-563

Ministère des Ressources naturelles et de la Faune
 Original déposé au Greffe de l'arpenteur général du Québec
 Québec, le

.....
 Arpenteur-géomètre
 Pour l'arpenteur général du Québec

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Copie conforme de l'original, le

.....
 Pour l'arpenteur général du Québec

**TERRES DU DOMAINE DE L'ÉTAT DÉLIMITÉES
 AUX FINS DE DÉVELOPPER L'UTILISATION
 DES RESSOURCES FAUNIQVES**

Québec, le 5 mai 2011

Préparé par : Original signé

Geneviève Tétreault
 Arpenteur-géomètre
 Matricule: 2419

Draft Regulations

Draft Regulation

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

Notaries

— Code of ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of notaries, made by the board of directors of the Chambre des notaires du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation specifies the situations where a notary must cease to provide professional services to a client.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Michel Vermette, notary, Directeur général adjoint, Direction des services juridiques, Chambre des notaires du Québec, 600-1801, avenue McGill College, Montréal (Québec) H3A 0A7; telephone: 514 879-1793, extension 5921, or 1 800 263-1793, extension 5921; fax: 514 879-1923; email: michel.vermette@cdnq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of notaries

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of notaries is amended by the replacement of section 26 by the following:

“**26.** A notary must withdraw from representing a client where he has serious cause as follows:

(1) loss of confidence;

(2) the notary is in a situation where his professional independence could be called into question;

(3) he is induced by the client to perform illegal, or fraudulent acts;

(4) he has reasonable grounds to suspect that he is assisting or may assist a client in a dishonest or fraudulent act, a crime, or illegal conduct.”

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

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Draft Regulation

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

Notaries

— Compensation fund

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 compensation fund of the Chambre des notaires du Québec, made by the board of directors of the Chambre des notaires du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the procedure to be followed by a claimant to receive compensation if a notary uses the claimant's funds or property for purposes other than those for which they were entrusted to the notary in the practice of the profession. It also prescribes conditions for the setting up of the compensation fund and the rules for the administration and investment of the sums making up the fund, as well as the maximum compensation payable.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Michel Vermette, notary, Directeur général adjoint, Direction des services juridiques, Chambre des notaires du Québec, 600-1801, avenue McGill College, Montréal (Québec) H3A 0A7; telephone: 514 879-1793, extension 5921, or 1 800 263-1793, extension 5921; fax: 514 879-1923; email: michel.vermette@cdnq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting the compensation fund of the Chambre des notaires du Québec

Professional Code
(R.S.Q. c. C-26, s. 89.1)

DIVISION I GENERAL

§1. *Compensation Fund*

1. The Board of Directors of the Chambre des notaires du Québec shall establish a compensation fund to compensate a claimant, subject to section 18, for the use of moneys or property by a notary for purposes other than those for which they were entrusted to him in the practice of his profession pursuant to a contract for services.

2. The compensation fund must be maintained at not less than \$500,000 and shall consist of

1° moneys allocated to the fund by the Board of Directors;

2° assessments levied for that purpose;

3° moneys or property recovered from notaries by subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);

4° income earned on the moneys and property making up the fund;

5° moneys paid by an insurer under an insurance policy held by the Executive Committee.

§2. *Rules for the administration and investment of the fund*

3. The Executive Committee administers the fund and withdraws administration fees. In particular, the Executive Committee is authorized to conclude any contract of insurance or reinsurance for the purposes of the fund and to pay the premiums out of the fund.

4. The Executive Committee shall keep an accounting of the fund, separate from that of the Order.

5. The moneys making up the fund shall be invested by the Executive Committee as follows:

1° the moneys the Executive Committee expects to use in the short term shall be deposited in a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q. c. S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3), or the Trust and Loan Companies Act (S.C. 1991, c. 45);

2° the other moneys shall be entrusted to an investment manager for investment in short term securities, fixed-interest securities, Canadian or foreign shares, in accordance with the investment policy adopted by the Board of Directors.

DIVISION II COMPENSATION FUND COMMITTEE

6. A compensation fund committee, hereinafter called the "Committee," shall be established by the Board of Directors to examine the claims against the fund. It shall comprise no fewer than five members appointed by the Board of Directors from among notaries entered on the roll of the Order for at least 10 years and the directors appointed to the Board of Directors by the Office des professions du Québec pursuant to section 78 of the *Professional Code*. At least one of the members must be a director.

The chairman of the Committee is designated by the members.

The quorum of the Committee is a majority of its members.

7. Where the number of Committee members so permits, the Committee may sit in divisions comprising five members, one of whom shall be the chairman or another Committee member designated by division members as chairman of the division, and another member chosen from among the directors appointed by the Office.

The quorum of a division is three members.

8. Committee members remain in office at the end of their mandates until they are reappointed or replaced by the Board of Directors.

9. The Board of Directors shall appoint the secretary of the Committee and, as needed, one or more assistant secretaries who perform the same duties as the secretary.

DIVISION III COMPENSATION PROCEDURE

10. Claims against the fund must

1° be in writing;

2° state all supporting facts and be accompanied by all relevant documents;

3° indicate the amount claimed; and

4° be sworn and filed with the secretary of the Committee.

11. The secretary of the Committee shall inform members of any claim against the fund at the first meeting after the claim is filed.

If the Committee has not completed its inquiry into the claim within 90 days after the claim is filed, the secretary of the Committee shall, upon expiry of that period, notify the claimant in writing and report to him on the Committee's progress. Until the Committee has completed its inquiry, the secretary of the Committee shall, every 60 days following expiry of the 90-day period, notify the claimant in writing that the inquiry is continuing and report on the Committee's progress.

The obligation to notify the claimant as set out in the second paragraph does not apply to the situation contemplated in section 20.

12. To be admissible, a claim against the fund must be filed within one year of the claimant's knowledge that moneys or property have been used for purposes other than those for which they were entrusted to the notary in the practice of his profession.

Subject to section 13, a claim that is not filed within the prescribed period is inadmissible.

13. The period prescribed in section 12 may be extended if the claimant demonstrates that he was unable to file the claim within the prescribed period for reasons beyond his control.

14. An application by any person to the Order in respect of facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 10 if the application is sent within the period prescribed in section 12.

15. The Committee shall decide, in respect of any claim not exceeding \$30,000 against the fund, whether the claim should be allowed, in whole or in part, and if so, shall determine the amount of compensation. The decision of the Committee is final.

16. The Executive Committee, upon the recommendation of the Committee, shall decide, in respect of any claim exceeding \$30,000 against the fund, whether the claim should be allowed, in whole or in part, and if so, shall determine the amount of compensation. The Executive Committee may, if it deems necessary, consult with the syndic. The decision of the Executive Committee is final.

17. A decision may be rendered in respect of a claim regardless of any action filed by the claimant in a civil court, any judgment rendered by such court, or any decision of the disciplinary council or the Professions Tribunal in respect of the notary in question.

18. The maximum indemnity payable out of the fund is \$100,000 per claim arising from a notary's use, in connection with a contract for services, of moneys or property for purposes other than those for which they were entrusted to him in the practice of his profession.

The maximum indemnity payable out of the fund is \$100,000 for the aggregate of claims addressed to the fund arising from a notary's use, in connection with one or more contracts for services concluded with several persons for the same service, of moneys or property for purposes other than those for which they were entrusted to him in the practice of his profession. Where the total of the claims allowed in a case contemplated in this paragraph exceeds the maximum indemnity, the indemnity is distributed in proportion to the amount of each claim.

For the purposes of this section, service includes the performance of professional services by a notary pursuant to a contract for services for the benefit of two or more persons, in particular but without limiting the foregoing, the acquisition or sale of a family residence or an undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of the constitution of a legal person, and any investment of a movable or immovable nature.

19. The maximum compensation payable shall be reviewed every five years after this regulation comes into force.

20. The balance of a notary's general trust account shall, subject to section 42 of the Regulation respecting trust accounting by notaries approved by the Office des professions du Québec on (*specify date of approval*), be distributed by the secretary of the Committee among the claimants in respect of the notary, in proportion and up to the amount of each claim allowed, less the sum paid pursuant to section 18, at the expiry of 60 days following publication of a notice to that effect in a newspaper circulating in the place where the notary has or had his professional domicile.

The secretary of the Committee shall cause the notice to be published after one year has elapsed without any new claim exceeding \$100,000 against the fund in respect of that notary.

21. The claimant shall sign an acquittance in favour of the Order upon payment of the compensation.

DIVISION IV TRANSITIONAL AND FINAL

22. This regulation replaces the Regulation respecting trust accounting by notaries approved by order in council 995-2002 dated September 11, 2002.

However the Regulation respecting trust accounting by notaries shall continue to govern claims filed against the fund before (*specify date on which regulation comes into force*).

23. The compensation fund contemplated in section 2 shall consist of the moneys and property already allocated for this purpose as at (*specify date on which regulation comes into force*).

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

Draft Regulation

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

Physicians — **Professional activities that could be engaged in during clinical perfusion**

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 professional activities that could be engaged in during clinical perfusion", adopted by the Board of Directors of the Collège des médecins du Québec, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to update the "Regulation respecting the professional activities which may be performed by a clinical perfusionist" and to impose the obligation of refresher courses to the perfusionist by the necessity to be certified by the Canadian Society of Clinical Perfusion.

This Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mre Linda Bélanger, Legal Advisor, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: 514 933-4441, extension 5362, facsimile number: 514 933-5374, email: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10th floor, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting professional activities that could be engaged in during clinical perfusion

Professional Code
(R.S.Q., c. C-26, s. 94, subpar. h)

1. The purpose of this regulation is to determine, amongst the professional activities that physicians may engage in, those professional activities that may be engaged in by a clinical perfusionist or by other persons in a facility operated by an establishment in the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) or as part of the interhospital transport of a patient or an organ.

2. In this regulation, “clinical perfusionist” means any person certified by the Canadian Clinical Perfusion Society and satisfying one of the following conditions:

(1) has been issued a certificate or diploma of specialized advanced studies (D.E.S.S.) in extracorporeal perfusion by the Université de Montréal;

(2) has 24 months of experience in clinical perfusion during the last 4 years and has an attestation issued by a cardiovascular and thoracic surgeon or by a heart surgeon confirming successful completion of a supervised training period lasting 3 months done in an internship situation of the education program leading to a diploma in specialized advanced studies (D.E.S.S.) in extracorporeal perfusion issued by the Université de Montréal.

3. A clinical perfusionist may engage in the following professional activities:

(1) operate and assure the operation of cardiac, pulmonary or circulatory assistance, autotransfusion or apheresis equipment;

(2) provide clinical supervision of the condition of persons linked to cardiac, pulmonary or circulatory assistance, autotransfusion or apheresis equipment;

(3) administer and adjust medication or other substances when they have been prescribed;

(4) mix substances in order to complete the preparation of a medication, in accordance with a prescription;

(5) obtain samples from catheters in place or from the circulatory support circuit, according to a prescription;

(6) perform treatments through circulatory support systems, according to a prescription.

4. May also engage in the activities contemplated in section 3 the following person:

(1) a student registered in a training program leading to a diploma contemplated in sub-paragraph (1) of section 2 may, in the presence of a clinical perfusionist, engage in the activities contemplated in section 3 to the extent to which they are required to complete this program;

(2) a person engaged in the training period provided in subparagraph (2) of section 2 may, in the presence of a clinical perfusionist, cardiovascular and thoracic surgeon or a cardiac surgeon, engage in the activities contemplated in section 3 to the extent that they are required for the purposes of completing this training period;

(3) the holder of a diploma referred to in subparagraph 1 of the section 2, during his period of eligibility to certification to the Canadian Society of Clinical Perfusion.

5. A person who, on April 30, 2003 was practicing as a clinical perfusionist is authorized to continue to perform the activities listed in section 3.

6. This regulation replaces the Regulation respecting the professional activities that can be performed in clinical perfusion (c. M-9, r. 3).

7. This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and shall cease to apply on the date of the fourth anniversary of its coming into force.

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

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