

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 9 DECEMBER 1996

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## OFFICE OF THE LIEUTENANT-GOVERNOR

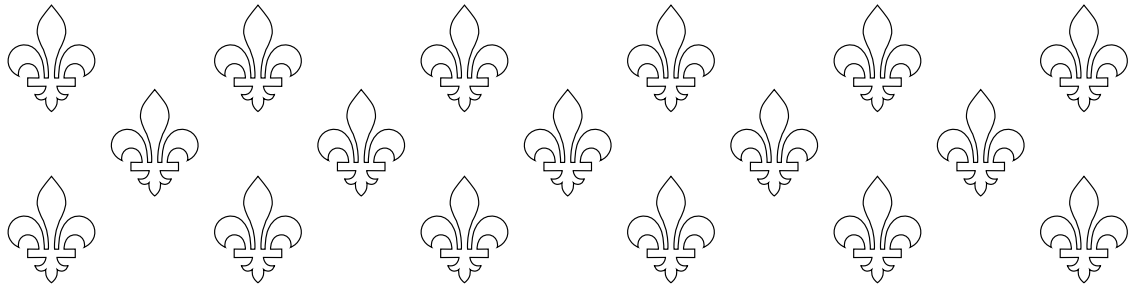
*Québec, 9 December 1996*

This day, at eight minutes past one o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

54 An Act to amend the Act respecting the Québec Pension Plan

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 54  
(1996, chapter 47)

## **An Act to amend the Act respecting the Québec Pension Plan**

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**Introduced 22 October 1996**  
**Passage in principle 7 November 1996**  
**Passage 6 December 1996**  
**Assented to 9 December 1996**

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**Québec Official Publisher**  
**1996**

**EXPLANATORY NOTE**

*This bill amends the Act respecting the Québec Pension Plan to give effect to a statement made by the Minister of Finance on 19 June 1996 announcing a 0.4% increase in the rate of contribution to the Québec Pension Plan to bring it to 6% on 1 January 1997.*



## **Bill 54**

### **AN ACT TO AMEND THE ACT RESPECTING THE QUÉBEC PENSION PLAN**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Section 44.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the words “and 5.6% for the year 1996” by the words “, 5.6% for the year 1996 and 6.0% for the year 1997”.
- 2.** This Act comes into force on 9 December 1996.



**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 5 DECEMBER 1996

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## OFFICE OF THE LIEUTENANT-GOVERNOR

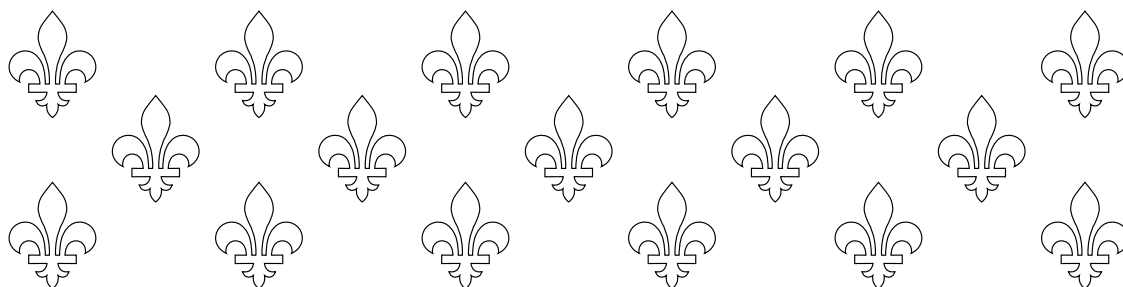
*Québec, 5 December 1996*

This day, at ten minutes past one o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

70 An Act to amend the Hydro-Québec Act

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 70

(1996, chapter 46)

## **An Act to amend the Hydro-Québec Act**

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**Introduced 14 November 1996**

**Passage in principle 26 November 1996**

**Passage 26 November 1996**

**Assented to 5 December 1996**

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**Québec Official Publisher  
1996**

**EXPLANATORY NOTE**

*The object of this bill amending the Hydro-Québec Act is to empower the Government to authorize Hydro-Québec to use accounting methods and practices generally accepted by regulatory bodies.*

## **Bill 70**

### **AN ACT TO AMEND THE HYDRO-QUÉBEC ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The Hydro-Québec Act (R.S.Q., chapter H-5), amended by chapter 4 of the statutes of 1995 and by chapter 2 of the statutes of 1996, is again amended by inserting, after section 21.3, the following section :

**“21.4.** The Government may authorize the Corporation to use accounting methods and practices generally accepted by regulatory bodies.”

**2.** This Act comes into force on 5 December 1996.





## Regulations and other acts

Gouvernement du Québec

### **O.C. 1493-96, 4 December 1996**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

#### **Amendment to Schedule I to the Act**

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95

dated 5 July 1995, 1194-95 dated 6 September 1995, 1506-95 dated 22 November 1995, 81-96 dated 24 January 1996, 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, and also by sections 79 of Chapter 2 of the Statutes of 1994, 49 of Chapter 21 of the Statutes of 1994, 42 of Chapter 27 of the Statutes of 1994, 20 of Chapter 27 of the Statutes of 1995 and 20 of Chapter 46 of the Statutes of 1995, is further amended by inserting in paragraph 1, in alphabetical order, the name “the Corporation d’achat régionale de biens et services de la Montérégie (région 16)”.

**2.** This Amendment has effect from 1 April 1996.

1096

Gouvernement du Québec

### **O.C. 1494-96, 4 December 1996**

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2)

#### **Regulation — Amendments**

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS under the first paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), amended by section 8 of Chapter 20 of the Statutes of 1994 and by section 13 of Chapter 70 of the Statutes of 1995, the Government shall, by regulation, set up review committees to hear the applications for review filed under section 140 of that Act, for the classes of employees or beneficiaries it determines;

WHEREAS under the second paragraph of that section 141, each committee shall be composed of four members appointed by the Government, which shall include two members from the unions or associations representing the employees, appointed on the recommendation of the unions or associations concerned and the Government may, in the same manner, appoint a substitute for each member to replace that member whenever he is absent or unable to act;

WHEREAS under Order in Council 1842-88 dated 14 December 1988, the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services;

WHEREAS it is expedient to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services to set up review committees for the classes of employees and beneficiaries that file applications for review under section 140 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services**

An Act respecting the Pension Plan of Peace Officers in Correctional Services  
(R.S.Q., c. R-9.2, s. 141; 1995, c. 70, s. 13)

**1.** The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 and amended by Orders in Council 834-90 dated 20 June 1990 and 707-94 dated 18 May 1994, is further amended by inserting the following chapter after section 8.3:

### **“CHAPTER XI REVIEW COMMITTEES (s. 141)**

**8.4** Three review committees are hereby set up to hear the applications filed under section 140 of the Act, for the following classes of employees and beneficiaries:

(1) intermediate officers referred to in subparagraph 1 of the first paragraph of section 1.1 of the Act, those referred to in the second paragraph of that section, if they elected to participate in the Pension Plan of Peace Officers in Correctional Services, and those referred to in sections 5.0.1 and 5.1 of the Act;

(2) employees who are members of the Canadian Union of Public Employees and referred to in subparagraph 2 of the first paragraph of section 1.1 of the Act or in the second paragraph of that section, if they elected to participate in the Pension Plan of Peace Officers in Correctional Services;

(3) those referred to in section 1 of the Act and all those who are not specifically mentioned in paragraphs 2 and 3.”.

**2.** This Regulation comes into force on the date it is made by the Government.

1097

Gouvernement du Québec

## **O.C. 1524-96, 4 December 1996**

An Act respecting the Ministère des Transports  
(R.S.Q., c. M-28)

### **Signing by a functionary of certain deeds, documents and writings of the Ministère des Transports — Amendments**

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS under section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), the Government may, by a regulation published in the *Gazette officielle du Québec*, determine to what extent a deed, document or writing may bind the Department and may be attributed to the Minister of Transport if it is signed by a functionary;

WHEREAS that section enacts that the Government may also allow a facsimile of the required signature to be affixed by means of an automatic device to such documents as it determines or a facsimile of that signature to be engraved, lithographed or printed on such documents;

WHEREAS the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports was made by Order in Council 701-94 dated 11 May 1994;

WHEREAS it is expedient to amend that Regulation in order to take into account the prescriptions in respect of certain documents of the Department, to take into account amendments made to the administrative organization of the Department and to allow the mechanical

reproduction of the signature of the Minister on the special operating permits issued under section 633 of the Highway Safety Code (R.S.Q., c. C-24.2);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
Clerk of the Conseil exécutif

## Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

**1.** The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994, is amended by striking out the words “or the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., c. M-23.01)” in section 1.

**2.** Section 7 is amended:

(1) by striking out the words “or under section 7.1, 7.2 or 7.3 of the Act respecting the Ministère des Approvisionnements et Services” in the first paragraph; and

(2) by striking out the words “and the Assistant Director” in the second paragraph.

**3.** The following is substituted for section 8:

“**8.** The person responsible for the supplies of a directorate or service and the person responsible for a machine shop are authorized, for the purposes of accomplishing the mandate of the administrative unit to which they are attached, to sign any supply contract for an amount less than \$2 000.”.

**4.** Section 9 is amended:

(1) by substituting the words “Head of the Service de la géotechnique et de la géologie” for the words “Head of the Service des matériaux de chaussées”, and

(2) by substituting the words “allowing the removal of natural materials required for road work” for the words “for the acquisition of materials necessary for road work” at the end.

**5.** Section 11 is amended, in the part preceding paragraph 1:

(1) by striking out the words “and the Assistant Director”; and

(2) by substituting the words “, a foreman and a person responsible for the machine shop” for the words “and a foreman”.

**6.** The following is substituted for section 13:

“**13.** The Director of the Direction des ressources financières, the Head of the Service de l’expertise immobilière and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a territorial director and a service head within a territorial directorate are authorized to sign any legal service contract.”.

**7.** Section 14 is amended by inserting the words “, the head of the Service de l’expertise immobilière” after the word “financières”.

**8.** The following is inserted after section 16:

“**§5.** *Sales contracts for property and the supply of services*

**16.1** A director and a service head are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, any contract for the sale of movable property or for the supply of services.

**16.2** The Director of the Direction des contrats et des ressources matérielles, the Head of the Service de l’approvisionnement and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a director, a service head, a division head, a foreman and a person responsible for supplies are authorized to sign any contract for the sale of the surplus stores referred to in section 8 of the Règlement sur la disposition des biens meubles excédentaires, made by T.B. 186095 dated 6 September 1994.”.

**9.** Section 18 is amended by substituting, in the part preceding paragraph 1, the words “and a service head within a territorial directorate” for the words “, the head of a Service des projets and the head of a Service des inventaires et du plan”.

**10.** Section 20 is amended by substituting, in the part preceding paragraph 1, the words “l’expertise immobilière” for the words “la normalisation et de la vérification des opérations immobilières”.

**11.** Section 21 is amended by substituting the words “des opérations financières et de la normalisation” for the words “du recouvrement et des réclamations sur dommages” in the second paragraph.

**12.** Section 23 is amended by inserting the following after paragraph 1:

“(1.1) any deed of assignment under private seal of a building or other construction;”.

**13.** The following is substituted for section 24:

“**24.** The Head of the Service de l’expertise immobilière and, for the purposes of accomplishing the mandate of the territorial directorate to which he is attached, a service head within such a directorate are authorized to sign any deed referred to in paragraphs 1 to 4 of section 23, except for a permit to encroach upon the right of way of a road issued in respect of a building under section 38 of the Act respecting roads and for a deed whereby a servitude prohibiting access is created, modified or cancelled.”.

**14.** Section 26 is amended by substituting the words “du soutien aux infrastructures” for the words “de la planification”.

**15.** The following is inserted after section 29:

“**29.1** A director is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, any document authorizing projects or approving costs and any document confirming the granting of subsidies, issued in accordance with the standards of a subsidies program.

**29.2** The Director of the Direction du transport terrestre des personnes and, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, a territorial director are authorized to sign any authorization for capital expenditures of a public transport government body giving rise to a loan by-law made by that body and submitted for the approval of the Minister of Municipal Affairs.”.

**16.** The following is inserted after section 31:

**“DIVISION 5.1  
SIGNATURES AFFIXED BY MEANS OF AN  
AUTOMATIC DEVICE AND FACSIMILES**

**31.1** The signature of the Minister of Transport may be affixed by means of an automatic device on a special permit issued under section 633 of the Highway Safety Code or a facsimile of that signature may be engraved, lithographed or printed on that permit.”.

**17.** 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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Gouvernement du Québec

**O.C. 1529-96, 4 December 1996**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Comité paritaire des boueurs de la région  
de Montréal  
— Use of unclaimed funds**

Regulation respecting the use of unclaimed funds kept in trust by the Comité paritaire des boueurs de la région de Montréal

WHEREAS under paragraph *o* of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may use, for its general administration, up to the amount and on the conditions prescribed by regulation approved with or without amendment by the Government and published in the *Gazette officielle du Québec*, the unclaimed funds kept in trust until the employee submits his claim;

WHEREAS under that section, the Comité paritaire des boueurs de la région de Montréal, at the meeting of its board of directors held on 13 February 1996, made a regulation respecting the use of unclaimed funds kept in trust;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation respecting the use of unclaimed funds kept in trust by the Comité paritaire des boueurs de la région de Montréal, attached hereto, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the use of unclaimed funds kept in trust by the Comité paritaire des boueurs de la région de Montréal**

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, subpar. o)

- 1.** The Comité paritaire des boueurs de la région de Montréal may use unclaimed funds kept in trust to pay for its general administration expenses. The amounts that may be used are the amounts levied for statutory holidays and annual vacations and the amounts levied following a claim for wages.
- 2.** General administration expenses are those related to wages and fringe benefits paid to employees of the committee, to office, travel, communication, upgrading, advertising and subscription costs, to professional fees, interest and banking costs, to insurance, taxes, rent, maintenance, repairs and other general expenses related to the administration of the committee.
- 3.** The Comité paritaire may use up to a maximum amount of \$19 000 from the funds kept in trust, if they have remained unclaimed by the employees concerned for a 3-year period from the time they became payable and if the steps taken by the Comité paritaire to remit those funds proved unsuccessful.
- 4.** Where an employee claims funds that are owing to him and that have been used, the committee shall, on proof of his identity, remit to the employee the amount of his claim from the other unclaimed funds kept in trust.
- 5.** The Comité paritaire shall keep all information relating to the funds used under this Regulation. All amounts transferred to its administration fund shall be mentioned in the annual report.
- 6.** 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. 1530-96, 4 December 1996**

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

### **Commission de la construction du Québec — Levy**

CONCERNING the Levy Regulation of the Commission de la construction du Québec

WHEREAS under paragraph *c* of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20) amended by section 40 of Chapter 8 of the Statutes of 1995, the Commission de la construction du Québec may, by way of a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, as the case may be, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period;

WHEREAS after consulting with the Joint Committee on Construction in accordance with section 123.3 of the Act, the Commission made the Levy Regulation for the year 1997;

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

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

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

WHEREAS in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of a prior publication and such coming into force;

— it is expedient to set the levy for the Commission de la construction du Québec for the year 1997 before 1 January 1997;

WHEREAS it is expedient to approve the Levy Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Levy Regulation of the Commission de la construction du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 82; 1995, c. 8, s. 40)

**1.** The Levy imposed by the Commission de la construction du Québec for the year 1997, payable by the employer and the employee, is carried out as follows:

*a)* the employer shall pay the Commission a sum equivalent to 0,75 of 1 % of the total remuneration paid to his employees. The independent contractor shall pay a sum equivalent to 0,75 of 1 % of his remuneration as an independent contractor. However, the minimum amount that an employer or an independent contractor is bound to pay per monthly period of work is \$10;

*b)* the employee shall pay a sum equivalent to 0,75 of 1 % of his remuneration to the Commission.

**2.** The employer shall deduct each week, on behalf of the Commission, the levy imposed on each of his employees by retaining it out of each employee's wages.

**3.** The independent contractor shall deduct at the end of each week the prescribed levy by retaining such levy from the remuneration he receives as an independent contractor.

**4.** The employer and the independent contractor shall remit to the Commission not later than the 15<sup>th</sup> of each month the levy due for the preceding monthly period.

**5.** The regulation comes into force as of 1 January 1997.

Gouvernement du Québec

## O.C. 1532-96, 6 December 1996

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

### Basic prescription drug insurance plan — Amendments

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS under subparagraph 3 of the first paragraph of section 78 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, after consulting the Régie de l'assurance-maladie du Québec, make regulations to determine the cases, conditions and therapeutic indications in and for which the cost of certain medications included in the list drawn up by the Minister of Health and Social Services under section 60 of the Act is covered by the basic prescription drug insurance plan; the conditions may vary according to whether the coverage is provided by the Board or under a group insurance contract or an employee benefit plan;

WHEREAS under section 112 of that Act, the Government may, not later than 31 December 1996, make a regulation under section 78 of the Act even if the regulation has not been published as required by section 8 of the Regulations Act (R.S.Q., c. R-18.1). Such a regulation shall come into force, notwithstanding section 17 of that Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation and it may, if it so provides, apply to any class of eligible persons it determines and from any date not prior to 20 June 1996;

WHEREAS by Order in Council 1519-96 dated 4 December 1996, the Government made the Regulation respecting the basic prescription drug insurance plan;

WHEREAS it is expedient to amend that Regulation;

WHEREAS in accordance with section 78 of the Act respecting prescription drug insurance and amending various legislative provisions, the Régie de l'assurance-maladie du Québec has been consulted;

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

THAT the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, the text of which is attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the basic prescription drug insurance plan

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32, s. 78. 1<sup>st</sup> par., subpar. 3)

**1.** The Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996, is amended by inserting the following after section 2:

“**2.1** The medications provided for in the second paragraph are the subject of the basic plan coverage referred to in the second paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions, where the following conditions are fulfilled:

(1) in the case of persons whose coverage under the basic plan is provided by the Régie de l'assurance-maladie du Québec, a prior request for authorization, duly completed in accordance with the form prescribed to that effect in the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) was sent to the Régie;

(2) in the case of persons whose coverage under the basic plan is provided by insurers transacting group insurance or by administrators of private-sector employee benefit plans, a prior request for authorization, if required under the applicable group insurance contract or employee benefit plan, was sent to the insurer or to the administrator of the employee benefit plan, according to the terms and conditions provided for in that contract or plan.

Notwithstanding the foregoing, the medications are covered only for the duration authorized, as the case may be, by the Board, the insurer, or the administrator of the employee benefit plan concerned, if the medications are prescribed for the therapeutic indications stipulated in regard to each of them:

(1) ACYCLOVIR, tab., Avirax, Zovirax:

(a) in immunodeficient patients, for the curative and preventive treatment of severe herpes virus infections;

(b) in immunocompetent patients:

i. for the early treatment of zona, that is, within 48 to 72 hours following the appearance of lesions;

ii. for the suppressive treatment of recurring herpes virus infections, that is, 6 episodes or more per year;

iii. for the curative treatment of severe herpes virus infections;

iv. for the early curative treatment of varicella-zoster infection in patients 13 years of age or older and in children over 12 months suffering from chronic skin diseases or pulmonary disorders or receiving a long-term salicylate-based therapy;

(2) ACYCLOVIR, top. cr., top. oint.: for the local treatment of herpes virus infections in immunodeficient patients;

(3) ALENDRONATE, tab., Fosamax:

(a) for the treatment of fractural postmenopausal osteoporosis;

(b) for the treatment of patients suffering from symptomatic Paget's disease who have an intolerance to or who do not respond to etidronate;

(4) CALCIUM ALGINATE (fibre) dres., Kaltostat: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(5) ALUMINUM (hydroxide), tab, Amphojel: as a phosphate binder in patients suffering from severe renal failure;

(6) ANASTROZOLE, tab., Arimidex: for the treatment of metastatic breast cancer in menopausal woman, after failure of a tamoxifen treatment or when a megestrol acetate treatment causes undesired weight gain;

(7) ANETHOLE TRITHIONE, tab., Sialor: for the treatment of patients suffering from severe xerostomia;

(8) BISACODYL, ent. tab., supp., Bisacolax, Bisacodyl, PMS-Bisacodyl, Apo-Bisocodyl: for the treatment of constipation secondary to opiate analgesics;

(9) BUTORPHANOL (tartrate), nas. sol., Stadol NS: for the nonprophylactic treatment of episodes of migraines in patients for whom treatment with other analgesics or with other drug therapies is ineffective;

(10) CALCIUM (acetate) tab., calcium acetate: as a phosphate binder in patients suffering from severe renal failure;

(11) CALCIUM (carbonate and others), oral forms, Apo-Cal, Cal-500: as a calcium supplement for patients suffering from hypoparathyroidism, lactase deficiency, malabsorption, or severe chronic renal failure;

(12) CALCIUM (gluconate)/CALCIUM (glucoheptanate), oral sol., Calcium Stanley, Calcium-Rougier: as a calcium supplement for children suffering from bovine protein or lactose intolerance;

(13) CAPSAICIN, top. cr., Capsaicin cream, Capsaicin mild, Capsaicin regular, Capsaicin Forte, Capsaicin-HP cream: for the treatment of pain caused by episodes of herpes zoster infection or related to peripheral neuropathies;

(14) SODIUM CHLORIDE, dres., Mesalt: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(15) SODIUM CITRATE/SODIUM LAURYL SULFOACETATE, rect. sol., Microlax: for the treatment of constipation secondary to opiate analgesics;

(16) CLINDAMYCIN (phosphate), top. sol., Dalacin-T: for the treatment of acne pustulosa in patients for whom topical erythromycin is ineffective or poorly tolerated;

(17) CLOZAPINE, tab., Clozaril: for the symptomatic treatment of schizophrenia in patients for whom an appropriate treatment with antipsychotic drugs has proven ineffective or has caused intolerable side effects, preventing administration of an effective dose;

(18) CYCLOSPORINE, caps, oral sol., Sandimmune, Sandimmune Neoral:

(a) for the prevention of the rejection of a graft subsequent to an organ transplant and for the treatment of rejection in patients having already received other immunosuppressants;

(b) for the prevention of the rejection of a graft subsequent to a bone marrow transplant and for the prevention or treatment of the graft-vs-host reaction (GVHR);

(c) for the treatment of persons suffering from severe psoriasis and for whom conventional therapies have proven ineffective or inadequate or where the severity of the disease justifies the risks of treatment with cyclosporine;

(d) for the treatment of persons suffering from severe progressive rheumatoid arthritis where slow-acting antirheumatismal agents have been inadequate or ineffective;

(e) for the treatment of persons who have a nephrotic syndrome, are steroid-dependent or are resistant to steroids, attributable to a glomerulopathy;

(19) DESMOPRESSIN (acetate), tab., DDAVP: for the treatment of patients suffering from diabetes insipidus who are unable to use a nasal vaporizer or a desmopressin nasal solution;

(20) DICLOFENAC SODIUM, oph. sol., Voltaren Ophtha: for the treatment of eye inflammation in patients for whom ophthalmic corticosteroids are not indicated;

(21) DIPYRIDAMOLE, tab., Apo-Dipyridamole-FC, APO-Dipyridmole-SC, Novo-Dipiradol, Dipyridamole, Persantine: for the prevention of thromboembolisms in patients who have valvular or vascular prostheses or who have undergone a bypass operation with a vein graft;

(22) DOCUSATE CALCIUM, caps., PMS-Docusate-Calcium, Docusate Calcium, Novo-Docusate Calcium: for the treatment of constipation secondary to opiate analgesics;

(23) DOCUSATE SODIUM, caps., syr., oral sol., Colax-S, Regulex, Selax, Novo-Docusate, Docusate Sodium, PMS-Docusate Sodium, PMS-Docusale, Soflax: for the treatment of constipation secondary to opiate analgesics;

(24) ALFA DORNASE, nebulizer, Pulmozyme: for the treatment of patients over 5 years of age suffering from cystic fibrosis and whose forced vital capacity is more than 40 percent of the predicted value;

(25) DORZOLAMIDE (hydrochloride), oph. sol., Trusopt:

(a) for the adjuvant treatment of glaucoma where treatment with a beta-blocker provides insufficient control of ocular tension;

(b) for the treatment of glaucoma using monotherapy when there is a contraindication for or intolerance to a beta-blocker;

(26) ALFA EPOETINE, inj. sol., Eprex:

(a) in dialysis patients or before the beginning of dialysis for the treatment of symptomatic anemia related to severe chronic renal failure;



(b) for the treatment of nonhemolytic symptomatic anemia in cancer patients or in patients treated with zidovudine after the dosage of this medication has been reassessed in the context of anemia and having no iron, folic acid or vitamin B12 deficiency.

(27) ESTRADIOL-17 $\beta$ , skin patch, Estraderm 25, Estraderm 50, Estraderm 100, Vivelle 37.5, Vivelle 50, Vivelle 75, Vivelle 100: for patients unable to take estrogens orally because of thromboembolic disorders or who have an intolerance to oral estrogens;

(28) ESTRADIOL-17 $\beta$ /NORETHINDRONE (acetate), skin patch, Estracomb: for patients unable to take estrogens orally because of thromboembolic disorders or who have an intolerance to oral estrogens;

(29) FAMCICLOVIR, tab., Famvir: for the early treatment of zona, that is, within 48 to 72 after the appearance of lesions;

(30) FENTANYL, skin patch, Duragesic: for relief of pain in patients intolerant to oral morphine preparations or unable to swallow because of a digestive pathology, and who do not have a painful unstable syndrome or too rapid a progression of symptoms in the advanced stage of a cancer;

(31) FILGRASTIM, inj. sol., Neupogen:

(a) during chemotherapy treatment of children suffering from a solid tumor;

(b) for the treatment of patients suffering from:

i. severe neutropenia (number of neutrophils under  $0.5 \times 10^9/L$ ) occurring in the first cycles of chemotherapy;

ii. neutropenia liable to cause a delay in the administration of chemotherapy or an unacceptable dosage reduction;

iii. severe bone marrow suppression while awaiting a curative treatment by means of a bone marrow transplant or antithymocyte serum, and who develop a severe infection;

iv. congenital or hereditary neutropenia with a neutrophil count of less than  $0.5 \times 10^9/L$ , and who develop severe recurrent infections;

(c) for the treatment of HIV-infected patients suffering from neutropenia secondary to antiretroviral medication or ganciclovir who are unable to tolerate foscarnet and whose number of neutrophils remain under  $0.5 \times 10^9$

L, despite temporary stopping of medication or dosage reduction;

(32) FLUCONAZOLE, oral susp., Diflucan:

(a) for the treatment of oropharyngeal candidiasis in patients for whom conventional therapy is ineffective or poorly tolerated;

(b) for the treatment of esophageal candidiasis;

(33) NUTRITIVE FORMULAS — CASEIN-BASED (INFANTS AND CHILDREN) Alimentum, Nutramigen, Pregestimil: food preparation for infants and children:

(a) allergic to complete milk proteins;

(b) requiring a lactose-free diet for galactosemia;

(c) suffering from persistent diarrhea or other severe gastrointestinal disorders;

(34) NUTRITIVE FORMULAS — POLYMERIZED GLUCOSE, Polycose:

(a) for total oral feeding and enteral feeding of patients requiring liquid nutritive formulas as their sole source of nutrition in presence of:

i. esophageal dysfunction or dysphagia;

ii. digestive or malabsorption disorders;

(b) for children suffering from Crohn's disease;

(c) for patients suffering from cystic fibrosis;

(35) NUTRITIVE FORMULAS — FRACTIONATED COCONUT OIL, MCT: for the nutritional management of persons who do not effectively digest or absorb long-chain fatty foods;

(36) NUTRITIVE FORMULAS — SKIM MILK/COCONUT OIL, Portagen: for the nutritional management of persons who do not effectively digest or assimilate long-chain fatty foods;

(37) NUTRITIVE FORMULAS — MONOMERIC, Citrisource, Criticare HN, Hepatic-Acid II, Peptamen, Peptamen Jr, Sandosource Peptide, Tolerex, Vital HN, Vivonex Pediatric, Vivonex Plus, Vivonex T.E.N.:

(a) for total oral feeding and enteral feeding of patients requiring liquid nutritive formulas as their sole source of nutrition in presence of:

- i. esophageal dysfunction or dysphagia;
  - ii. maldigestion or malabsorption disorders;
- (b) for children suffering from Crohn's disease;
- (c) for patients suffering from cystic fibrosis;

(38) NUTRITIVE FORMULAS — POLYMERIC WITH RESIDUES, Advera, Compleat Modified, Glucerna, Isocal with fibre, Jevity, Nubasic fibres, Nutren with fibre, Nutrisource, Nutrisource HN, Pediasure with fibre:

(a) for total oral feeding and enteral feeding of patients requiring liquid nutritive formulas as their sole source of nutrition in presence of:

- i. esophageal dysfunction or dysphagia;
  - ii. maldigestion or malabsorption disorders;
- (b) for children suffering from Crohn's disease;
- (c) for patients suffering from cystic fibrosis;

(39) NUTRITIVE FORMULAS — LOW-RESIDUE POLYMERIC, Ensure Hyper-Protéine, Isocal, Isocal HN, Isosource, Isosource HN, Isosource VHN, Isotein HN, Lipisorb, Méritene, NuBasics, NuBasics Plus, NuBasics VHP, Nutren 1, Nutren 1.5, Nutren 2, Osmolite HN, Pediasure, Promote, Pulmocare, Resource, Resource Plus, Resource for children:

(a) for total oral feeding and enteral feeding of patients requiring liquid nutritive formulas as their sole source of nutrition in presence of:

- i. esophageal dysfunction or dysphagia;
  - ii. maldigestion or malabsorption disorders;
- (b) for children suffering from Crohn's disease;
- (c) for patients suffering from cystic fibrosis;

(40) NUTRITIVE FORMULAS — PROTEINS/ CARBOHYDRATES & LIPIDS (INFANTS AND CHILDREN), Similac PM 60/40: food preparation for premature babies and infants requiring products low in mineral content;

(41) GANCICLOVIR, caps., Cytovene: for the maintenance treatment of cytomegalovirus (CMV) retinitis in immunodeficient patients;

(42) GRANISETRON (hydrochloride), tab., Kytril: as an antiemetic:

(a) on the first day of a highly emetic chemotherapy or radiotherapy treatment;

(b) in children during a highly emetic chemotherapy or radiotherapy treatment;

(c) during chemotherapy or radiotherapy in patients for whom conventional therapy is ineffective or poorly tolerated;

(43) MINERAL OIL, oral gel, Liq. Liq. (rect.), Lansoyl without sugar, Mineral oil, Fleet enema: for the treatment of constipation secondary to opiate analgesics;

(44) HYDROXYPROPYL METHYCELLULOSE, oph. sol., Eyelube, Isopto Tears: for the treatment of keratoconjunctivitis sicca;

(45) HYDROXYPROPYL METHYCELLULOSE/ DEXTRAN 70, oph. sol., Tears Naturelle, Tears Naturelle II: for the treatment of keratoconjunctivitis sicca;

(46) IDARUBICIN (hydrochloride), caps., Idamycin: for the treatment of acute myelocytic leukemia in adults;

(47) BETA INTERFERON, 1-B, inj. pd., Betaseron: for the treatment of patients suffering from cyclic remitting multiple sclerosis who are capable of walking, although with assistance, and who have had 2 or more episodes of the disease within the last 2 years;

(48) KETOROLAC (tromethamine), oph. sol., Acular: for the treatment of eye inflammation in patients for whom ophthalmic corticosteroids are not indicated;

(49) LACTULOSE, syr., Cephulac, Chronulac, Comalose-R, Lactulax, PMS-Lactulose:

(a) for the treatment of hepatic encephalopathy;

(b) for the treatment of constipation secondary to opiate analgesics;

(50) MAGNESIUM (hydroxide), oral susp., Milk of magnesia: for the treatment of constipation secondary to opiate analgesics;

(51) MEGESTROL (acetate) tab., Apo-megestrol, Linmegestrol, Megace, Nu-Megestrol:

(a) for the treatment of cancer;

(b) for hormone replacement therapy in patients having suffered from breast cancer;

(52) METRONIDAZOLE, vag. gel., Nidagel: for the treatment of bacterial vaginosis in pregnant women;

(53) MIDODRINE (hydrochloride), tab., Amatine:

(a) for the treatment of primary idiopathic orthostatic hypotension in patients for whom the conventional treatment is insufficient or is contraindicated;

(b) for the treatment of secondary idiopathic orthostatic hypotension in patients suffering from Parkinson's disease;

(54) MINOCYCLINE (hydrochloride), caps, Apo-Minocycline, Minocin, Minocycline-100, Syn-Minocycline: for the treatment of acne or other superficial skin infections in patients for whom tetracycline would be indicated but is ineffective or poorly tolerated;

(55) OCTREOTIDE, s.c. inj. sol., Sandostatine:

(a) for the control of symptoms in patients suffering from carcinoid metastases and intestinal tumors secreting vasoactive peptides;

(b) for the treatment of acromegaly;

(56) ONDANSETRON (hydrochloride), tab., Zofran: as an antiemetic:

(a) on the first day of a highly emetic chemotherapy or radiotherapy treatment;

(b) in children during a highly emetic chemotherapy or radiotherapy treatment;

(c) during chemotherapy or radiotherapy in patients for whom conventional therapy is ineffective or poorly tolerated;

(57) CARBOXYMETHYL CELLULOSE, dressing, Aquacel, Aquacel Hydrofiber: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(58) ACTIVATED CHARCOAL/SILVER DRESSING, dres., Actosorb Plus: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(59) COLLAGEN/ALGINATE DRESSING, dres., Fibracol: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(60) HYDROCOLLOIDAL DRESSING, dres., Combiderm ACD, DuoDERM CGF Extra-Mince, DorDERM CGF Bordé, Tegaserb, Cutinova Hydro, DuoDERM, DuoDERM CGF, Tielle: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(61) HYDROCOLLOIDAL/ALGINATE DRESSING, dres., DermaSorb: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(62) HYDROGEL DRESSING, dres., NU-GEL: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(63) SEMIPERMEABLE DRESSINGS, dres., Alldress: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(64) PARAFFIN/MINERAL OIL, oph. oint., Peralube, Duratears: for the treatment of keratoconjunctivitis sicca;

(65) PENTOXIFYLLINE, tab. L.A., Trental: for the treatment of patients suffering from a trophic ulcer;

(66) MONOBASIC SODIUM PHOSPHATE/DIBASIC SODIUM PHOSPHATE, rect. sol., ped. rect. sol., Fleet, Enemol, Fleet Pediatric: for the treatment of constipation secondary to opiate analgesics;

(67) HYDROPHILIC POLYURETHANE, dres., Allebyn, Allebyn adhesive, Allebyn circular, Hydrasorb: for the treatment of patients suffering from serious burns or cutaneous ulcers;

(68) POLYVINYL (alcohol), oph. sol., PMS-Artificial Tears, R.O. Yeux secs: for the treatment of keratoconjunctivitis sicca;

(69) POLYVINYL(alcohol)/POLYETHYLENE GLYCOL 6000, oph. sol, Hypotears: for the treatment of keratoconjunctivitis sicca;

(70) POLYVINYL(alcohol)/POVIDONE, oph. sol., Tear Drops, PMS-Artificial: for the treatment of keratoconjunctivitis sicca;

(71) SENNOSIDES A&B, tab., gran., supp., Sennosides, PMS-Sennosides, Riva-Sennosides, Sennatabs, Senokot: for the treatment of constipation secondary to opiate analgesics;

(72) SOMATOTROPHIN, inj. pd., Humatrop, Nutropin, Saizen:

(a) for the treatment of children suffering from delayed growth caused by insufficient secretion of the endogenous growth hormone, except children who are carriers of a Turner's syndrome or are suffering from achondroplasia or from delayed growth of a genetic or familial type, children whose bone age has reached 15 years for girls and 16 years for boys, and children whose growth rate falls below 4 cm per year, evaluated on two consecutive visits at a 3-month interval, where they meet the following criteria:

i. untermated growth and growth rate for their bone age less than the 25<sup>th</sup> percentile, calculated over at least a one-year period, except in the case of young children suffering from hyperglycemia secondary to a growth hormone deficiency, to whom the one-year observation period does not apply;

ii. serum concentration of somatotrophin less than 8 ng/mL measured by two pharmacological tests, or serum concentration between 8 and 10 ng/mL if the tests are repeated twice at a 6-month interval;

(b) for the treatment of children suffering from delayed growth related to chronic renal failure until renal transplant;

(73) SORBITOL, oral pd., Sorbital Rougier: for the treatment of constipation secondary to opiate analgesics;

(74) SUMATRIPTAN (succinate) tab., s.c. inj. sol., Imitrex: for the treatment of nonprophylactic episodes of migraines in patients for whom treatment with analgesics or with other drug therapies is ineffective;

(75) TOCOPHERYL (d-alpha acetate), caps., oral sol., Aquasol E: for the treatment of neurological manifestations associated with the malabsorption of vitamin E;

(76) TRETINOIN, top. cr., top. gel and top. sol., Vitamin A Acid Crème, Stieva-A, Retin-A, Vitinoin, Stieva-A Forte, Vitamin A Acid Gel Doux, Vitamin-A Acid Gel: for the treatment of acne;

(77) VALACYCLOVIR (hydrochloride) tab., Valtrex: for the early treatment of zona, that is, within 48 to 72 hours after the appearance of lesions.”

**2.** This Regulation replaces sections 67.1 and 67.2 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1).

**3.** This Regulation comes into force on 1 January 1997.

Gouvernement du Québec

## O.C. 1563-96, 11 December 1996

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

### Regulation — Amendment

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

WHEREAS under subparagraph *b* 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 Board or upon its recommendation, make regulations to determine among the services contemplated in section 3 those which are not to be deemed insured services, and how often some of those contemplated in subparagraph *c* of the first paragraph or in the second paragraph of section 3 may be rendered in order to remain insured services;

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 it;

WHEREAS in accordance with sections 10 and 13 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 20 November 1996 with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

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

WHEREAS the 15-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of 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.

MICHEL CARPENTIER,  
*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, 1<sup>st</sup> par., subpar. b)

**1.** The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82 dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83 dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated

12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93 and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994, 386-95 dated 22 March 1995, 1179-95 dated 30 August 1995, 1638-95 dated 13 December 1995, 323-96 dated 13 March 1996, 759-96 dated 19 June 1996, 1287-96 dated 9 October 1996, 1403-96 dated 13 November 1996 and 1532-96 dated 6 December 1996, is further amended in section 22 by striking out in paragraph *k.1*, after the word “dentist”, the following: “, except in the case of a service referred to in subparagraph *i* rendered to a beneficiary under 10 years of age”.

**2.** This Regulation comes into force on 2 January 1997.

1110



## Draft Regulations

### Draft Regulation

Charter of the French language  
(R.S.Q., c. C-11)

#### Exemption granted to children staying in Québec temporarily

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 exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to specify the cases and circumstances in which and the conditions on which children staying in Québec temporarily may be exempted from the obligation to receive instruction in French as prescribed by the Charter of the French language.

The draft Regulation also prescribes the period for which such exemption may be granted and the procedure to be followed in order to obtain or renew such exemption.

The draft Regulation has no negative impact on businesses and on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Robert Pleau, ministre de l'Éducation, 1035, rue de La Chevrotière, 13<sup>e</sup> étage, Québec (Québec), G1R 5A5, tel.: (418) 643-8909, fax: (418) 646-8419.

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 Education, 1035, rue de La Chevrotière, 16<sup>e</sup> étage, Québec (Québec), G1R 5A5.

PAULINE MAROIS,  
*Minister of Education*

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### Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily

Charter of the French language  
(R.S.Q., c. C-11, s. 85)

**1.** A child who comes to Québec for a temporary stay and who is in one of the following situations is exempted from the application of the first paragraph of section 72 of the Charter of the French language (R.S.Q., c. C-11):

(1) he holds a certificate of acceptance issued under section 3.2 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(2) he holds an employment authorization or a student authorization issued in accordance with the Immigration Act (R.S.C. (1985), c. I-2);

(3) he is exempted from the obligation to hold a certificate of acceptance, an employment authorization or a student authorization under a statute applicable in Québec;

(4) he is a dependent child of a foreign national who holds a certificate of acceptance;

(5) he is a dependant child of a foreign national who holds an employment authorization or a student authorization issued in accordance with the Immigration Act (R.S.C. (1985), c. I-2);

(6) he is a dependent child of a foreign national who is exempted from the obligation to hold a certificate of acceptance or an employment authorization under a statute applicable in Québec.

(7) he is a Canadian citizen or permanent resident domiciled in another Canadian province or a territory of Canada or is a dependent child of such Canadian citizen or permanent resident, who comes to Québec to study or work.

In order to be granted an exemption, the following documents and information shall be filed:

(1) the certificates or authorizations referred to in subparagraphs 1, 2, 4 and 5 of the first paragraph;

(2) where applicable, a document issued by a competent authority in immigration, certifying

(a) that the child or the foreign national who has charge of him is exempted under subparagraph 3 or 6 of the first paragraph and specifying the duration of the stay; or

(b) that a permanent resident referred to in subparagraph 7 of the first paragraph is a permanent resident within the meaning of the Immigration Act;

(3) a document demonstrating that the child is a dependent child of a foreign national referred to in subparagraphs 4 to 6 of the first paragraph or of a Canadian citizen or permanent resident referred to in subparagraph 7 of the first paragraph;

(4) where applicable, the following sworn declarations:

(a) one by the Canadian citizen or permanent resident referred to in subparagraph 7 of the first paragraph, certifying that their stay is temporary;

(b) one by the person in charge of the educational establishment that will be attended or by the employer, confirming that the studies or employment are temporary.

Notwithstanding the foregoing, where refugee status within the meaning of the Immigration Act is sought for the child or the foreign national he is accompanying or if the child or foreign national he is accompanying obtains a selection certificate issued under section 3.1 of the Act respecting immigration to Québec, the exemption may not be granted or, as the case may be, ceases to have effect on 30 June of the school year during which refugee status is sought or during which the selection certificate is issued.

In addition, the exemption referred to in subparagraph 7 of the first paragraph shall not last more than 3 years.

In this Regulation, "foreign national" has the meaning assigned to it by section 2 of the Act respecting immigration to Québec and the expression "dependent child" refers to the child of a foreign national or his spouse's child, the child of a member of the Canadian Armed Forces or his spouse's child, or the child of a Canadian citizen or permanent resident or his spouse's child.

**2.** A child who is not a Canadian citizen and who stays in Québec temporarily because he is a dependent child of a person who is not a Canadian citizen and who is assigned to Québec temporarily as a representative or officer of a country other than Canada or of an international organization shall be exempted from the application of the first paragraph of section 72 of the Charter if the following documents are filed:

(1) proof that the person is registered with the competent government department;

(2) an affidavit by that person attesting to the planned duration of his stay in Québec, from the date of his arrival; and

(3) a document demonstrating that the child is a dependent child of that person or of his spouse.

**3.** A child who stays in Québec temporarily because he is a dependent child of a member of the Canadian Armed Forces who is assigned to Québec temporarily shall be exempted from the application of the first paragraph of section 72 of the Charter if an affidavit by the employer certifying that the parent is a member of the Canadian Armed Forces and that he is assigned to Québec temporarily and a document demonstrating that the child is a dependent child of that Armed Forces member are filed.

Such exemption shall not last more than 3 years.

**4.** Every application for exemption from the application of the first paragraph of section 72 of the Charter by reason of a temporary stay in Québec shall be submitted to a school organization and shall be accompanied by

(1) every document which must be filed under this Regulation; and

(2) a birth certificate of the child, mentioning his parents' names or, failing that, any other official document issued by a competent authority and attesting to the child's date of birth, sex and filiation.

A school organization that receives an application for exemption shall forward it within a reasonable time, with the required documents, to a person empowered by the Minister of Education to verify and decide on children's eligibility for instruction in English under section 75 of the Charter.

**5.** Where an application for exemption is incomplete because the required information or documents have not been provided, the designated person shall so notify in writing the person who made the application informing



him of the missing information or documents and of the time allotted to rectify the omission. A copy of such notice shall be forwarded to the school organization.

If the required information or documents have not been submitted within 90 days following the date of the mailing of the notice, the designated person shall decide on the application as forwarded to him.

**6.** The designated person shall inform in writing the person who made the application of his decision on the child's eligibility for instruction in English. If the child is declared eligible, the designated person shall issue an authorization.

The designated person shall inform the school organization of his decision in writing.

**7.** Subject to the third and fourth paragraphs of section 1 and the second paragraph of section 3, an exemption is valid for the validity period of the certificate of acceptance, employment authorization or student authorization or for the duration of the temporary stay. It shall cease to have effect on 30 June of the school year in which the temporary stay ends or, as the case may be, in which the maximum 3-year period provided for in sections 1 and 3 ends.

An exemption may be renewed, provided that the conditions that applied to the original application are still met.

**8.** This Regulation replaces the Language of Instruction (Temporary Residents) Regulation, made by Order in Council 2820-84 dated 19 December 1984. Notwithstanding the foregoing, an exemption granted under the former Regulation shall remain effective for the period for which it was granted.

**9.** 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 threatened or vulnerable species (R.S.Q., c. E-12.01)

### Threatened or vulnerable plant species and their habitats

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting threatened or vulnerable

plant species and their habitats, the text of which appears below, may be made by the Government at the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to protect 10 vascular plants whose status in Québec is precarious.

To that end, the Draft Regulation proposes that those species be designated as threatened or vulnerable species under the Act respecting threatened or vulnerable species.

To date, study of this matter has revealed no impact on businesses, particularly small and medium-sized businesses, as the 10 plants in question are not commercially produced or processed.

Further information may be obtained by contacting Mr. Léopold Gaudreau, Direction de la conservation et du patrimoine écologique, ministère de l'Environnement et de la Faune du Québec, 2360, chemin Sainte-Foy, 1<sup>er</sup> étage, Sainte-Foy (Québec), G1V 4H2; tel. (418) 644-3378, fax (418) 646-6169.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec), G1R 5V7.

DAVID CLICHE,  
*Minister of the Environment and Wildlife*

## Regulation respecting threatened or vulnerable plant species and their habitats

An Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01, ss. 10 and 39)

### DIVISION I THREATENED PLANT SPECIES

**1.** The following are designated as threatened plant species:

- (1) puttyroot (*Aplectrum hyemale* (Mühl.) Torr.);
- (2) green dragon (*Arisaema dracontium* (L.) Schott);
- (3) Griscom's arnica (*Arnica griscomii* Fernald ssp. *griscomii*);
- (4) American alpine lady-fern (*Athyrium alpestre* (Hoppe) Clairville ssp. *americanum* (Butters) Lellinger);

- (5) false hop sedge (*Carex lupuliformis* Sartwell);
- (6) American water-willow (*Justicia americana* (L.) Vahl.);
- (7) autumn coral-root (*Corallorhiza odontorhiza* (Willdenow) Poiret var. *pringlei* (Greenman) Freudenstein);
- (8) serpentine stitchwort (*Minuartia marcescens* (Fernald) House);
- (9) mayapple (*Podophyllum peltatum* L.);
- (10) Van Brunt's Jacob's ladder (*Polemonium vanbruntiae* Britton);
- (11) mountain holly-fern (*Polystichum scopulinum* (D.C. Eaton) Maxon);
- (12) green-scaled willow (*Salix chlorolepis* Fernald);
- (13) dwarf arctic groundsel (*Senecio cymbalaria* Pursh); and
- (14) green-scaled simple goldenrod (*Solidago simplex* Kunth spp. *simplex* var. *chlorolepis* (Fernald) Ringius).
- 2.** The habitat of Griscom's arnica (*Arnica griscomii* spp. *griscomii*) corresponds to the limestone cliffs on the east face of mont Saint-Alban located in Parc Forillon; to the ridges, ravines and ledges of the schist cliffs located in the Réserve écologique Fernald; to the large ridge on mont Logan located in the Parc de conservation de la Gaspésie; and to the sector of Premier lac des Îles located in the Parc de conservation de la Gaspésie.
- 3.** The habitat of the American alpine lady-fern (*Athyrium alpestre* ssp. *americanum*) corresponds to the prairies, snow beds and stream banks of the subalpine and alpine belts of the bassin de Pease on mont Logan and of the monts McGerrigle located in the Parc de conservation de la Gaspésie.
- 4.** The habitat of the autumn coral-root (*Corallorhiza odontorhiza* var. *pringlei*) corresponds to the red oak and sugar maple beech forest located high on the south slope of colline du Calvaire d'Oka in the Parc de récréation d'Oka.
- 5.** The habitat of the serpentine stitchwort (*Minuartia marcescens*) corresponds to the tundra and to the pioneer plant communities developing on a serpentine substratum on mont Albert (starting at an altitude of 550 m) located in the Parc de conservation de la Gaspésie.

**6.** The habitat of the mountain holly-fern (*Polystichum scopulinum*) corresponds to the rocky serpentine slopes of the ravin du Diable on mont Albert located in the Parc de conservation de la Gaspésie.

**7.** The habitat of the green-scaled willow (*Salix chlorolepis*) corresponds to the rocky serpentine slopes on the east face of mont Albert (at an altitude of between 800 and 1 000 m) located in the Parc de conservation de la Gaspésie.

**8.** The habitat of the dwarf arctic groundsel (*Senecio cymbalaria*) corresponds to the ledges and crevices of the limestone cliffs of the cirque du Cap-des-Rosiers and of the montagne de Roche located in Parc Forillon; to the ledges, rock faces and colluviums of the schist cliffs of the bluffs located in the Réserve écologique Fernald; and to the ledges, rock faces and colluviums of the bluffs of mont Griscom and of the hanging valley of mont Pembroke located in the Parc de conservation de la Gaspésie.

**9.** The habitat of the green-scaled simple goldenrod (*Solidago simplex* spp. *simplex* var. *chlorolepis*) corresponds to the stream overflow zones and to the rocky serpentine slopes on the east and south faces of mont Albert (at an altitude of between 550 and 1 000 m) located in the Parc de conservation de la Gaspésie.

## DIVISION II VULNERABLE PLANT SPECIES

**10.** The following are designated as vulnerable plant species:

(1) wild leeks (*Allium tricoccum* Ait. var. *tricoccum* and *Allium tricoccum* var. *burdickii* Hanes);

(2) ram's-head lady's-slipper (*Cypripedium arietinum* R. Br.);

(3) woodland sunflower (*Helianthus divaricatus* L.);

(4) Douglas knotwood (*Polygonum douglasii* Greene ssp. *douglasii*); and

(5) fragrant sumac (*Rhus aromatica* Ait. var. *aromatica*).

**11.** Notwithstanding the first paragraph of section 16 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), a person may have wild leeks in his possession outside their natural environment or may harvest wild leeks for the purposes of personal consumption in an annual quantity not exceeding 200 grams of any of their parts nor exceeding 50 bulbs or 50 plants,

provided that those activities are not carried out in a park within the meaning of the Parks Act (R.S.Q., c. P-9), in an ecological reserve within the meaning of the Ecological Reserves Act (R.S.Q., c. R-26.1), in a wildlife preserve within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), in a site acquired under section 8 of the Act respecting threatened or vulnerable species, in a regional park within the meaning of section 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1) located on lands in the public domain, or in a park of a regional nature within the meaning of section 156 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., c. C-37.2).

**12.** This Regulation replaces the Regulation respecting wild leeks, made by Order in Council 201-95 dated 15 February 1995, and the Regulation respecting the designation of certain threatened species, made by Order in Council 202-95 dated 15 February 1995.

### **DIVISION III**

#### **FINAL**

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



## Municipal Affairs

Gouvernement du Québec

### **O.C. 1501-96**, 4 December 1996

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

Amalgamation of the Village de Neuville and the  
Paroisse de Pointe-aux-Trembles

WHEREAS each of the municipal councils of the Village de Neuville and the Paroisse de Pointe-aux-Trembles adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of both municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application of the applicant municipalities;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Village de Neuville and the Paroisse de Pointe-aux-Trembles, under the following conditions:

- (1) The name of the new town is "Ville de Neuville".
- (2) The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 2 August 1996; that description is attached as a Schedule to this Order in Council.
- (3) The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).
- (4) The new town will be part of the Municipalité régionale de comté de Portneuf.

(5) A provisional council will remain in office until the first general election. It will be composed of all the members of both councils existing at the time of the coming into force of this Order in Council. The quorum will be half the members in office, plus one. The current mayors will alternate as mayor and acting mayor of the provisional council each month. The mayor of the former Paroisse de Pointe-aux-Trembles will serve as mayor of the new town for the first calendar month.

(6) The first general election will be held on the sixteenth Sunday following the coming into force of this Order in Council. The second election will be held in the year 2000.

(7) The council of the new town will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6.

(8) The budgets adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new town, and the expenditures and revenues will have to be accounted for separately as if those former municipalities continued to exist.

In addition, an expenditure or revenue recognized by the council as resulting from the amalgamation will be charged or accounted for in the budgets of each of the former municipalities in proportion to their standardized real estate values established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994), as appearing in the financial reports of those municipalities for the last fiscal year ended before the coming into force of this Order in Council.

(9) Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will remain for the benefit of the ratepayers of the sector made up of the territory of the former municipality that accumulated it.

If, following the application of section 10, there remains a surplus accumulated on behalf of a former municipality, that surplus will be used either for the carrying out of capital works situated in the sector made up of the territory of the former municipality that accumulated

it, or for the repayment of loans contracted by that former municipality that have matured.

Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will remain charged to all the taxable immovables located in the sector made up of the territory of the former municipality that accumulated it.

(10) The working capital of the former Paroisse de Pointe-aux-Trembles, in the amount of \$266 851, will become the working capital of the new town. It will be increased by an amount of \$133 425 resulting from a contribution of the former Village de Neuville. That contribution will be taken from the accumulated surplus reserved for that purpose by that former village.

(11) At the end of the last fiscal year for which the new town applied separate budgets, any tax levied under a loan by-law adopted by either of the former municipalities will continue to be levied on the immovables originally levied.

In like manner, the loans borrowed from the working capital of a former municipality will be repaid in accordance with the resolution that authorized the loan.

(12) All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

(13) For the 5 years following the coming into force of this Order in Council, where the new town orders capital works in a sector or work on the water supply and sewer system, it shall allocate, from its general fund, for reducing the loan made for those works, an amount representing 15 % of the total cost of the expenditure.

(14) Any debt or gain that may result from legal proceedings or transactions for any act performed by a former municipality will be charged or credited to all the taxable immovables in that former municipality.

Until the repairs to the water supply systems of the new town have been completed, the preceding paragraph shall apply to the acts performed or omissions made by a former municipality or board for the construction work or operation of the water supply systems in accordance with the terms and conditions for distribution provided for in an agreement concerning those systems.

(15) The Régie intermunicipale des installations de Neuville and the Régie intermunicipale des loisirs de

Neuville are dissolved. The budgets voted by those boards shall be managed by the new town until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(16) The new town will have the rights, obligations and responsibilities of the former municipalities, boards and committee. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities or boards.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of the former municipalities or boards shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

(17) Within 12 months of the coming into force of this Order in Council, the council of the new town may revise the planning by-laws of each of the former municipalities by using the public consultation procedure provided for in sections 130.1 to 130.7 of the Act respecting land use planning and development as those sections read on 4 July 1996, without having to use the procedure for the approval by qualified voters.

The planning by-laws of the former municipalities will remain in force in the territory for which they were made, until they are amended, cancelled or revoked by the new town.

(18) In accordance with the Order in Council concerning the amendment of the agreement respecting the Cour municipale de la Ville de Donnacona, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la Ville de Donnacona will have jurisdiction over the territory of the new town.

(19) This Order in Council comes into force on 2 January 1997.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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OFFICIAL DESCRIPTION OF THE LIMITS OF  
THE TERRITORY OF THE VILLE DE NEUVILLE,  
IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ  
DE PORTNEUF

The current territory of the Paroisse de Pointe-aux-Trembles and of the Village de Neuville, in the Municipalité régionale de comté de Portneuf, comprising, in reference to the cadastre of the Paroisse de Pointe-

aux-Trembles, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, autoroutes, railway rights of way, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 415; thence, successively, the following lines and demarcations: southeasterly, the line dividing the cadastres of the parishes of Pointe-aux-Trembles and Saint-Augustin, that line extended across the public roads and railway rights of way that it meets; the left bank of the river upstream to the line dividing lots 266 and 267; the said line dividing the lots, that line extended across the public road and railway right of way that it meets; the north line of said lot 266 and part of the north line of lot 267 to the line dividing lots 277 and 276; the said line dividing the lots, that line extended across the public road and the watercourse that it meets; the left bank of rivière Jacques-Cartier upstream to the northwest line of lot 537; northeasterly, part of the broken line dividing the cadastres of the parishes of Pointe-aux-Trembles and Sainte-Jeanne-de-Neuville to the apex of the western angle of lot 471 of the former cadastre, that line extended across the public roads, the watercourses and the railway right of way that it meets; the northwest line of lots 471, 468, 467, 464, 463, 455, 454, 453, 452 and 451, that line passing by the southeast side of chemin du Petit-Capsa; finally, southeasterly and northeasterly, part of the line dividing the cadastres of the parishes of Pointe-aux-Trembles and Sainte-Jeanne-de-Neuville to the starting point; the said limits define the territory of the Ville de Neuville.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 2 August 1996

Prepared by: GILLES CLOUTIER,  
*Land Surveyor*

N-142

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

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