

(2) in the case of moose flesh:

\$10 per kilogram up to a maximum of \$1 500;

(3) in the case of a caribou that is whole or is divided into quarters equivalent to a whole animal:

\$1 000 a male caribou one year old or older;

\$750 a female caribou one year old or older;

\$500 a male or female caribou less than one year old;

\$750 a caribou whose age or sex cannot be determined;

(4) in the case of caribou flesh:

\$10 per kilogram up to a maximum of \$1 000;

(5) in the case of a white-tailed deer that is whole or is divided into quarters equivalent to a whole animal:

\$750 a male white-tailed deer one year old or older;

\$500 a female white-tailed deer one year old or older;

\$250 a male or female white-tailed deer less than one year old;

\$500 a white-tailed deer whose age or sex cannot be determined;

(6) in the case of white-tailed deer flesh:

\$10 per kilogram up to a maximum of \$750;

(7) in the case of a fur-bearing animal referred to in Column 1 of Schedule I to the Regulation respecting trapping and the fur trade made by Order in Council 1289-91 dated 18 September 1991 or an undressed pelt of any of those animals, the indemnity shall correspond to the proceeds of the sale if the seized property has been sold; if it has not been sold and if the animal or the pelt has a commercial value, the indemnity shall correspond to the average value of the prices obtained at the most recent auction preceding the date of the seizure.

In the case of a black bear or a beaver that is whole, the amount of the indemnity provided for in this paragraph shall be increased by 25 %; and

(8) in the case of any other animal or fish having a commercial value, the indemnity shall be equal to the selling price.

DIVISION III

DISPOSAL OF CONFISCATED PROPERTY

3. Where property seized under the Act respecting the conservation and development of wildlife has been confiscated, a conservation officer shall dispose of it as follows:

(1) in the case of property that is unusable and has no commercial value, he may remit it to a charitable organization;

(2) in the case of property having a commercial value, he shall remit it to Services gouvernementaux of the Conseil du trésor;

(3) in the case of a live animal of a native species, he may, if the animal is unharmed and after having verified that it is not diseased and does not carry any disease, set it free, or give it or sell it to a person legally authorized to keep it under the Regulation respecting animals in captivity made by Order in Council 1029-92 dated 8 July 1992 or have it put to sleep; otherwise, he shall remit it to a rehabilitation centre referred to in that Regulation;

(4) in the case of a live animal of a non-native species, he may, if the animal is unharmed, sell it or give it to a person legally authorized to keep it under the Regulation referred to in paragraph 3 or have it put to sleep; or

(5) where he cannot dispose of the property as indicated in paragraphs 1 to 4, he shall destroy it.

4. This Regulation replaces the Regulation respecting the disposal of confiscated objects made by Order in Council 427-82 dated 24 February 1982.

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

1882

Gouvernement du Québec

O.C. 1520-97, 26 November 1997

An Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., c. A-12.1)

Program to foster the development of non-profit legal persons

Regulation respecting the program to foster the development of non-profit legal persons

WHEREAS under section 3 of the Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., c. A-12.1), as amended by section 4 of Chapter 18 of the Statutes of 1997, the Government may, by regulation, establish any program

of financial or technical assistance for the purposes of that Act, and determine the conditions, cases and limits of application thereof and the fees payable;

WHEREAS under section 5 of that Act, the Société de développement industriel du Québec, incorporated under the Act respecting the Société de développement industriel du Québec (R.S.Q., c. S-11.01), shall administer any program of financial assistance established pursuant to the Act respecting assistance for the development of cooperatives and non-profit legal persons;

WHEREAS under section 11 of that Act, as replaced by section 10 of Chapter 18 of the Statutes of 1997, financial assistance is granted by the Minister or by the Government in the cases and on the conditions determined by regulation by the Government;

WHEREAS under section 12 of that Act, financial assistance may also be granted by the Société de développement industriel du Québec in such cases and on such conditions as the Government may determine by regulation;

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

WHEREAS under section 13 of that Act, the reason justifying the absence of prior publication shall be published with the regulation;

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

WHEREAS the Government is of the opinion that the absence of prior publication and the coming into force of the Regulation on the date of its publication in the *Gazette officielle du Québec* are justified by the urgency due to the following circumstances:

1. non-profit legal persons should benefit as soon as possible from the proposed measures;
2. until the proposed program is adopted by regulation, the applicants for financial assistance cannot benefit from the new measures to foster the development of non-profit legal persons;

WHEREAS it is expedient to make this Regulation;

IT IS ORDERED, therefore, upon recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology, and of the Minister for Industry and Trade:

THAT the Regulation respecting the program to foster the development of non-profit legal persons, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the program to foster the development of non-profit legal persons

An Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., c. A-12.1, ss. 3, 11 and 12; 1997, c. 18, ss. 4 and 10)

DIVISION I OBJECTIVES

1. This program is designed to foster the creation, maintenance and development of non-profit legal persons by granting financial assistance to such undertakings.

DIVISION II INTERPRETATION

2. Within the scope of this program,

(1) “financial institution” means a bank within the meaning of the Act respecting banks and banking (S.C. 1991, c. 46), a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1), or any other legal person or company legally empowered to grant loans;

(2) “net loss” means the balance owing to a financial institution, that is, the sum of principal owing at the date the loan and the interest accrued are called in, less the net product from the realization of the securities, if applicable. The net loss also includes the interest accrued during a maximum period of three months after the loan is called in. It may however, with prior authorization of the Société de développement industriel du Québec, include the interest accrued over a longer period, where such a measure would ensure the survival of an undertaking or the realization of securities or guarantees. However, the total interest accrued before and after the calling in of the loan, that may be included in the net loss, may not exceed 10 % of the balance on the loan at the time it was called in.

DIVISION III ELIGIBILITY FOR FINANCIAL ASSISTANCE

3. Financial assistance must be necessary for carrying out the project of a non-profit legal person. It shall show that both its financial structure and the quality of its management enable the project to be viable and it must meet the following requirements:

(1) its primary objective shall be to provide or to cause to provide a service to its members or to the community;

(2) its principal activity shall be to carry out an undertaking within the meaning of the third paragraph of article 1525 of the Civil Code of Québec;

(3) its operations and activities shall promote individual and collective participation, empowerment and accountability;

(4) it shall not be the owner of housing property nor plan to acquire housing property;

4. Financial assistance is granted to a non-profit legal person that is starting up, is in need of consolidation or has a development or expansion project.

5. Financial assistance granted under this program may apply to a project for which other financial assistance was granted by the Government of Québec.

Such combined assistance shall not exceed 75 % of the value of the project.

6. The Société may refuse to grant financial assistance or may suspend assistance where a non-profit legal person no longer meets the conditions that made it eligible, or fails to meet a contract requirement. It may also terminate any agreement or require any guarantee considered necessary where corrective measures are being taken in the case of a legal person having received assistance and experiencing financial difficulties, or where the matter of a non-profit legal person having received assistance is in the process of being settled.

DIVISION IV FORMS AND AMOUNT OF FINANCIAL ASSISTANCE

7. Financial assistance is granted in any of the following forms:

(1) a loan or a loan guarantee: a loan granted by the Société to a non-profit legal person or a guarantee, granted by the Société, to reimburse a percentage of the

net loss with respect to a loan granted to a non-profit legal person by a financial institution;

(2) a loan guarantee in the form of a credit line: a guarantee of reimbursement of a percentage of the net loss on the loan in the form of a credit line granted by the Société;

8. A guarantee of reimbursement shall not exceed:

(1) 90 % of the net loss for loan guarantees;

(2) 75 % of the net loss for credit line guarantees;

DIVISION V TERMS AND CONDITIONS OF FINANCIAL ASSISTANCE

9. The following terms and conditions apply to a loan granted by the Société or to a loan guarantee granted by the Société:

(1) the maximum term for a loan or guarantee is ten years; however, the original term of the loan or guarantee may be extended by the Société, at any time, once or repeatedly, for a total additional term not exceeding five years;

(2) guarantees may be required on the loan granted or guaranteed by the Société;

(3) the payments of the principal of a loan granted or guaranteed by the Société shall be fixed; they may however be variable where the funds generated by the non-profit legal person are seasonal or subject to fluctuations;

(4) the beginning of repayment of the principal of the loan, granted or guaranteed by the Société, may be postponed until no later than two years after the project has been carried out;

(5) at any time, the non-profit legal person may repay in advance the loan granted or guaranteed by the Société without penalty;

(6) the interest rate on the loan granted or guaranteed by the Société may be fixed or variable; however if it is variable, the maximum rate shall be the preferred lending rate plus 1 %;

(7) payment of interest, up to a maximum amount corresponding to 20 % of the amount of the loan granted or guaranteed by the Société, may be postponed to a later date;

(8) the loan granted or guaranteed by the Société, may be paid in whole or in part during the realization of the project.

10. The following terms and conditions apply to a loan guarantee in the form of a credit line:

(1) it is granted to a non-profit legal person located above the 55th parallel or whose income is mostly derived on a seasonal basis or from activities in the following sectors: forestry, animal farming, fish farming, sheltered production, greenhouse production, vegetable production, nurseries, home care or health care services;

(2) it is granted for a maximum term of thirty-six months, from the date of signature of the guarantee instrument;

(3) when the guarantee comes into effect, the Société may require that the lending financial institution obtain from the non-profit legal person any relevant guarantee to ensure the reimbursement of the loan.

11. Management fees of no more than 1 % of the loan guaranteed or granted by the Société are payable.

12. A premium may be payable by the non-profit legal person to compensate for the risk incurred by the Société.

13. Annual guarantee fees of no more than 1 % of the amount of the loan granted by the Société are payable.

DIVISION VI LIMITS ON FINANCIAL ASSISTANCE

14. The total financial assistance granted under this program to a non-profit legal person in the form of a loan or of a loan guarantee, excluding a loan guarantee in the form of a credit line, may not exceed 75 % of the value of the project for which the financial assistance is granted.

DIVISION VII GRANTING OF FINANCIAL ASSISTANCE

15. Financial assistance is granted by:

(1) the Société, where the amount is less than \$5 000 000;

(2) the Minister of Industry, Trade, Science and Technology, where the amount is \$5 000 000 or more, but less than \$10 000 000;

(3) the Government where the amount is \$10 000 000 or more.

DIVISION VIII TRANSITIONAL AND FINAL

16. The Regulation respecting the programs of the Société de développement industriel du Québec, made by Order in Council 681-92 dated 6 May 1992, does not apply to this program.

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

It shall cease to have effect five years after its coming into force, but shall remain applicable to applications for financial assistance received by the Société before that date and concerning which no decision has been made.

1883