

7.5 The Minister shall register in the Terrier or in any other register designated by him all alienations and rights granted by the RCM on the lands in question and shall issue attestations in writing of the information entered therein; the RCM shall collect all exigible expenses, including interest income, and shall remit them entirely to the Minister, according to the terms and conditions defined in the territorial management agreement. When the Minister will have implemented a formal procedure to make it possible for the RCM to directly enter rights in the official land register, he will contact the RCM to adapt the relevant terms and conditions in the territorial management agreement.

7.6 An RCM that exercises the powers and responsibilities provided for in this Program acts in its own name and any action it takes is in no way binding on the Government.

Subject to the special provisions of section 6, the RCM shall comply with the Act respecting the lands in the public domain and its regulations, as amended.

8. FINAL PROVISIONS

8.1 The territorial management agreement respecting land planning and management has a renewable five-year term.

When the land management delegation expires, the Minister shall again be fully responsible for the management of the intramunicipal lands in the public domain that he had delegated.

The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2 Where the Minister is again responsible for the management of intramunicipal lands in the public domain he had delegated, the RCM shall send the Minister all the information required, including, in particular, the up-to-date books and records kept by the RCM for managing the lands. The RCM shall also give the Minister all the records that the Minister entrusted to it.

8.3 Any contestation by the holder of a right that was granted by the RCM and that results from differences in the management methods applied by the RCM and the Minister shall be submitted to the Minister.

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Gouvernement du Québec

O.C. 1176-99, 13 October 1999

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

Agreement respecting the transfer to the regional county municipalities of the Bas-Saint-Laurent region, on an experimental basis, of responsibilities in the field of public forest management

WHEREAS the Gouvernement du Québec and the Conseil régional de concertation et de développement du Bas-Saint-Laurent have both consented to sign a specific agreement on the management and the development of the intramunicipal public territory of the Bas-Saint-Laurent in order to promote that territory's contribution to the revitalization, consolidation and economic development of the region and the local communities;

WHEREAS the delegation of powers and responsibilities for the management and development is one of the principal measures defined in the specific agreement and the delegation is based on the compliance with government principles and guidelines concerning land use, development and management of public territory and also on achieving objectives by giving the regional county municipalities (RCMs) and the parties involved at the regional and local levels the necessary freedom of choice with respect to the means of implementation;

WHEREAS under the Forest Act (R.S.Q., c. F-4.1), the Minister of Natural Resources holds the powers and responsibilities in the field of forest management;

WHEREAS under section 10.5 of the Municipal Code of Québec (R.S.Q., c. 27.1), an RCM may enter into an agreement with the Government under which certain responsibilities that are assigned by an Act or regulation to the Government, to a Minister or to a government body are transferred to the municipality on an experimental basis;

WHEREAS under section 10.6 of the Municipal Code of Québec, such agreement must set out the conditions governing the exercise of the assigned responsibility, the duration and, where applicable, the possibility of renewal, and the rules relating to the financing required for its implementation;

WHEREAS under section 10.8 of the Municipal Code of Québec, such agreement shall prevail over any inconsistent provision of any general law or special Act or any regulation thereunder;

WHEREAS the transfer to the RCMs of responsibility for the management of forests in the public domain contributes to the carrying out of the current experiments in inhabited forests in the RCMs of La Matapédia and Matane;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and the Minister of State for Municipal Affairs and Greater Montréal:

THAT the Minister of Natural Resources be authorized to sign for and on behalf of the Government an agreement with each RCM of the Bas-Saint-Laurent region under which each will be entrusted with the responsibility for the management of the public forests that currently constitute public forest reserves and are within the limits of the local municipalities, on an experimental basis. Those responsibilities are identified in the Schedule to this Order in Council;

THAT the agreement have a five-year term, subject to renewal;

THAT the agreement include the following regional county municipalities: Kamouraska, La Matapédia, La Mitis, Les Basques, Matane, Rimouski-Neigette, Rivière-du-Loup and Témiscouata;

THAT the agreement be entered into on the following conditions:

(a) each RCM shall consent, before the signing of any delegation agreement, by resolution, to all the terms, obligations and conditions of the specific agreement;

(b) in exercising the responsibilities transferred to them, the RCMs shall comply with the provisions of the Forest Act (R.S.Q., c. F-4.1) and the regulations made thereunder particularly as regards the sustainable development of forests, preservation of forest production and of the forest environment;

(c) the RCMs shall not adopt restrictions favouring the use of the resource on a local level, to the detriment of more promising projects with respect to job creation and future development;

(d) the RCMs shall complete the multiresource inventories;

(e) the RCMs shall prepare, for the approval of the Minister of Natural Resources, a forest management plan including, in particular, an estimate of the forest production and a five-year plan for the forest management activities;

(f) the RCMs shall consult the Société de la faune et des parcs du Québec on the forest management plans prepared by the holders of forest management contracts in accordance with the terms and conditions agreed to by the parties;

(g) the RCMs shall be members of the organizations for the protection of forests recognized by the Minister of Natural Resources and shall pay their portion of the costs. The RCM's contribution to the organizations shall apply to the territory where the RCMs will not have forest management contracts for 800 hectares or more. Where such contracts will be entered into, the RCMs must require that the parties to such contracts be members of the organizations and pay a portion of costs;

(h) RCMs shall submit a report to the Minister of Natural Resources of the activities carried out and of the use made of the revenues from forest management on 31 March of each year and every five years, a report of activities assessing the results of the experimental forest management;

(i) the Minister of Natural Resources shall continue to assume the powers and responsibilities not expressly transferred to the RCMs;

(j) if need be, the Minister of Natural Resources may specify the scope of the transferred powers in the field of forest management.

THAT the agreements to be entered into with the RCMs comply with the provisions of the specific agreement on the management and development of the intramunicipal public territory of the Bas-Saint-Laurent.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE

Responsibilities defined in the Forest Act (R.S.Q., c. F-4.1) and referred to in the proposed agreement with the regional county municipalities of the Bas-Saint-Laurent region on the experimental delegation of forest management:

— the granting of forest management permits of the following classes:

— for the harvest of firewood for domestic or commercial purposes;

— for the cultivation and operation of a sugar bush for acericultural purposes;

- for public utility works;
- for mining activities;
- for a wildlife and recreational development project;
- the management of public forest reserves and the sale of timber. Notwithstanding the provisions of the Act, the marketing of timber may be assumed by each RCM on its own terms;
- the conclusion of forest management contracts;
- the granting of permits for the construction or improvement of forest roads and authorizations regarding the width of the right-of-way and the destination of timber harvested during the construction or improvement of roads other than forest roads;
- control of the access to forest roads for reasons of public interest, particularly in cases of fire, during the thaw period or for safety reasons;
- the application of forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain made by Order in Council 498-96 dated 24 April 1996, or prescribing standards according to sections 25.2 and 25.3 of the Forest Act;
- the collection of duties payable by holders of authorizations, permits or rights granted by the RCMs in accordance with the applicable regulations. The duties, minus the administration expenses incurred in the exercise of the delegated powers, shall be paid by the RCM into a development fund set up by the RCM in accordance with the provisions of the laws governing municipalities; the sums paid into the fund shall be used primarily to support development activities for the intramunicipal public territory;
- the supervision and control of forest management activities, in accordance with the Forest Act and the regulations thereunder. The RCM shall advise the Minister of Natural Resources of any offence against the Forest Act or the regulations in force and shall send the relevant record, including technical evidence needed to describe the offence;
- the determining of the forest management activities and silvicultural treatments authorized as payment of dues under section 73.1 of the Forest Act, as amended by section 6 of Chapter 33 of the Statutes of 1997; the determining of their value in accordance with the rules of calculation established by the Government by regula-

tion (s. 73.3 of the Forest Act). Any resolution adopted for those purposes by the RCM shall be approved by the Minister of Natural Resources before its coming into force.

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Gouvernement du Québec

O.C. 1178-99, 13 October 1999

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

Exemptions to the application of Division II of Chapter II of the Act

Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training

WHEREAS under subparagraph 3 of the first paragraph of section 20 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1), amended by section 3 of Chapter 20 of the Statutes of 1997 and by section 77 of Chapter 63 of the Statutes of 1997, the Commission des partenaires du marché du travail may make regulations to exempt classes of employers or enterprises from the application of Chapter II of the Act or any part thereof on such conditions as may be prescribed therein;

WHEREAS under section 22 of that Act, amended by section 6 of Chapter 20 of the Statutes of 1997 and by section 79 of Chapter 63 of the Statutes of 1997, such regulations require the approval of the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 22 October 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period is expired;

WHEREAS the Commission des partenaires du marché du travail has examined the comments received;

WHEREAS the Commission des partenaires du marché du travail adopted the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training, with amendments, at its meeting of 24 February 1999;